

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

+ + + + +

WORK GROUP ON WORKER OUTREACH

+ + + + +

TUESDAY,  
SEPTEMBER 29, 2009

+ + + + +

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\*  
TERRIE BARRIE, ANWAG\*  
ANTOINETTE BONSIGNORE, Linde Petitioner\*  
LAURIE BREYER, NIOSH OCAS\*  
LARRY ELLIOTT, NIOSH OCAS  
MARY ELLIOTT, NIOSH Contractor  
DONNA HAND, Public\*  
EMILY HOWELL, HHS  
J.J. JOHNSON, NIOSH OCAS  
MARK LEWIS, ATL  
VERNON MCDUGALL, ATL  
ROBERT MCGOLERICK, HHS  
NANCY MAHR, Public\*  
ARJUN MAKHIJANI, SC&A  
JOHN MAURO, SC&A\*  
KATHRYN ROBERTSON-DEMERS, SC&A

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Adjourn

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

9:34 a.m.

MR. KATZ: Okay, this is an official good morning to everyone. Again, the Advisory Board on Radiation and Worker Health, Worker Outreach Work Group, and we're going to do roll call and then get right to business beginning with board members in the room.

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

MEMBER SCHOFIELD: Phil Schofield, board member.

MEMBER BEACH: Josie Beach, board member.

MR. KATZ: And on the line?

MEMBER MUNN: Wanda Munn, board member.

MR. KATZ: Okay. And then going through the room, first NIOSH OCAS team?

MR. ELLIOTT: Larry Elliott, director of the Office of Compensation Analysis and Support.

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1 MR. KATZ: And contractors.

2 MR. LEWIS: I'm Mark Lewis,  
3 Advanced Technical Laboratories, contractor  
4 for NIOSH.

5 MR. MCDOUGALL: Vern McDougall,  
6 ATL, contractor for NIOSH.

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

8 MR. KATZ: And --

9 MS. ELLIOTT: Mary Elliott,  
10 contractor for NIOSH.

11 MR. KATZ: On the line, OCAS or  
12 ORAU or ATL or other contractors?

13 MS. BREYER: This is Laurie Breyer  
14 and I'm with OCAS.

15 MS. ADAMS: This is Nancy Adams,  
16 contractor with NIOSH.

17 MR. KATZ: Okay. How about  
18 ombudsmen? Do we have Denise with us yet?  
19 Brock? Okay. I think she hopes to join us.  
20 Then SC&A team in the room.

21 MS. ROBERTSON-DEMERS: I'm Kathy  
22 Robertson-DeMers, SC&A.

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1 DR. MAKHIJANI: I'm Arjun  
2 Makhijani from SC&A.

3 MR. KATZ: And on the line, SC&A?

4 DR. MAURO: John Mauro, SC&A.

5 MR. KATZ: Welcome, John. Okay.  
6 Then other federal employees in the room.

7 MS. HOWELL: Emily Howell, HHS.

8 MR. MCGOLERICK: Robert  
9 McGolerick, HHS.

10 MR. KATZ: And on the line, other  
11 federal employees? Okay. And then members of  
12 the public who want to identify themselves on  
13 the line. Any folks from the public?

14 (No response.)

15 MR. KATZ: Okay. Mike. Oh I  
16 just, and I think everyone on the line knows  
17 this, but please mute your phone except when  
18 you're addressing the group, \*6 if you don't  
19 have a mute button, and then \*6 again to come  
20 back on. Thank you.

21 CHAIRMAN GIBSON: Okay. We've got  
22 a pretty full agenda. Hopefully if we can

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1 stay on task here we can possibly shorten the  
2 day a little bit, but I think it's important  
3 that we get our draft plan finalized as much  
4 as possible and then discussion of the  
5 potential evaluation and communication  
6 specialists I think are probably the two most  
7 important things today. So with that we'll  
8 move right into the draft implementation plan.

9 Does everyone have that, or have it available  
10 to them?

11 MEMBER MUNN: Mike?

12 CHAIRMAN GIBSON: Yes, Wanda?

13 MEMBER MUNN: I sent you very late  
14 -- my apologies -- a request to take a look at  
15 the wording in our mission statement to see if  
16 we could un-garble the syntax on that. You  
17 would have only received that message just in  
18 the last few minutes, again, my apologies for  
19 that. But as we address the implementation  
20 plan, either before it or at some time during  
21 that time it would be helpful perhaps for us  
22 to take a look at the proposal, clarifying

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1 that wording. It's just breaking it up into  
2 two sentences and making a couple of gerunds  
3 out of nouns, other nouns that we've used in  
4 the past which I think makes it read a little  
5 better. But you might incorporate that into  
6 your agenda at some point.

7 CHAIRMAN GIBSON: Yes, I just  
8 pulled that up and I agree with Wanda, I  
9 think, to start out with the mission  
10 statement. Wanda has proposed that we, like  
11 she said, just break up the mission statement  
12 into a couple of sentences and it reads like  
13 this. "The mission of the Advisory Board on  
14 Radiation and Worker Health's Worker Outreach  
15 Work Group is to evaluate the effectiveness of  
16 NIOSH activities in obtaining and making use  
17 of information from current and former workers  
18 and their representatives," period. "The  
19 mission also includes monitoring and  
20 evaluating the effectiveness of NIOSH and  
21 other sources of assistance to assure this  
22 information is available to as many potential

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1 EEOICPA claimants as possible." I think it  
2 does a good job of breaking it up and making  
3 it a little more easy to understand.

4 MEMBER BEACH: So the two changes  
5 were adding a period after "representatives"  
6 and making "obtain" "obtaining?" Is that the  
7 only two changes?

8 MEMBER MUNN: No. The second  
9 sentence then, "obtaining" and also "making  
10 use of information" in the first sentence.

11 DR. MAKHIJANI: How would the  
12 second sentence start?

13 MEMBER MUNN: "The mission also  
14 includes monitoring and evaluating --

15 CHAIRMAN GIBSON: Arjun, I can  
16 forward it to you if you want me to.

17 MEMBER MUNN: -- "the  
18 effectiveness of NIOSH and other sources of  
19 assistance to assure this information is  
20 available to as many potential EEOICPA  
21 claimants as possible." I believe it says the  
22 same thing, but with a little less redundancy.

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1 CHAIRMAN GIBSON: Arjun, I sent  
2 you a copy of it.

3 DR. MAKHIJANI: Oh, thank you.

4 MR. KATZ: You scratched, "for  
5 potential EEOICPA claimants," right?

6 MEMBER MUNN: No, I changed it. I  
7 moved it so that instead of saying "assistance  
8 for" I moved "potential EEOICPA claimants"  
9 down to after "available to as many."

10 MR. KATZ: Oh okay, good.

11 MEMBER MUNN: And then scratched  
12 "of these current and former workers."

13 MR. KATZ: Got it.

14 MEMBER MUNN: We said "current and  
15 former workers" in the first sentence.

16 MR. KATZ: Yes. That sounds nice,  
17 easier on the ear and eye.

18 MEMBER BEACH: I think that cleans  
19 it up nicely. Thank you, Wanda.

20 MEMBER MUNN: You're most welcome.

21 CHAIRMAN GIBSON: Okay, then we'll  
22 do that, incorporate that on the next round of

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1 this. Thanks, Wanda.

2 MEMBER MUNN: Yes, sir.

3 CHAIRMAN GIBSON: Okay, now if we  
4 can move into the scope of the Worker Outreach  
5 Work Group. Does anyone have any thoughts,  
6 discussions, questions, concerns?

7 MEMBER MUNN: A couple of  
8 comments. In the body of that statement, in  
9 the sentence that references PR-012 the second  
10 time it reads, "Detailed description of each  
11 meeting is available in OCAS-PR-012."  
12 Shouldn't that say "description of each  
13 meeting type" because the procedure does not  
14 describe each meeting, it describes each type  
15 of meeting? Is that not correct?

16 MS. ROBERTSON-DEMERS: That's  
17 true.

18 CHAIRMAN GIBSON: So, instead of  
19 "detailed description of each meeting" it  
20 would be?

21 MEMBER MUNN: "Each meeting type."

22 CHAIRMAN GIBSON: "Each meeting

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1 type."

2 MEMBER MUNN: And just as a matter  
3 of form, two sentences later it's easy enough  
4 to use the active voice rather than the  
5 passive voice by saying, "OCAS provided input  
6 to the working group," rather than, "input was  
7 provided."

8 MEMBER BEACH: Can you repeat  
9 that, Wanda?

10 MEMBER MUNN: That sentence, if  
11 we're going to use the active voice which is  
12 usually preferable should read, "OCAS provided  
13 input to the working group on June 24," rather  
14 than, "input was provided by OCAS."

15 CHAIRMAN GIBSON: All right. Any  
16 other grammatical concerns?

17 MEMBER MUNN: Next to the last  
18 sentence currently reads, "Some specific types  
19 of meetings actually provide as well as  
20 gather." I don't know, other eyes, but I had  
21 to go back and reread that a second time to  
22 understand what it says which isn't clear, but

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1 had to reread it. I think we could avoid that  
2 by saying, "Some specific types of meetings  
3 both provide as well as gather" rather than  
4 "actually." "Both provide as well as gather  
5 information from workers."

6 MR. KATZ: Yes. You can drop  
7 "specific" too which is redundant, really.

8 CHAIRMAN GIBSON: Drop what, Ted?

9 MR. KATZ: Drop "specific." I  
10 mean, "some types of meetings both provide as  
11 well as," however Wanda had it.

12 MEMBER MUNN: Yes, "both provide  
13 as well as gather information."

14 MEMBER BEACH: Wanda, if we go  
15 back up, Wanda, to your first correction under  
16 "detailed description of each meeting type in  
17 OCAS-PR-012," that needs something I think.

18 MEMBER MUNN: Yes.

19 MEMBER BEACH: "A detailed  
20 description" possibly, just add an "a" before  
21 detailed? I'm not sure how to fix that, but  
22 it's not correct the way it is.

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1                   MR. KATZ:     You could just say  
2     "detailed descriptions" plural.

3                   MEMBER BEACH:     That would help.  
4     Okay.

5                   MR. KATZ:     "Detailed descriptions  
6     of meeting types are available" is one way to  
7     do it. Right?

8                   MEMBER BEACH:     Sounds better.

9                   MR. KATZ:     That okay with you,  
10     Wanda?

11                   MEMBER MUNN:     Sure.

12                   MR. KATZ:     Sure, okay.

13                   CHAIRMAN GIBSON:     Okay. And then  
14     as far as the types of meetings that are  
15     outlined in the bullets with bullets, does  
16     that look like it's a good description,  
17     correct description, anything needs to be  
18     changed?

19                   DR. MAKHIJANI:     I have a question  
20     for Larry. Do you also have meetings when you  
21     gather information for Technical Information  
22     Bulletins or not?

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1                   MR. ELLIOTT:    It's possible that  
2                   we could hold a focus group meeting.

3                   DR. MAKHIJANI:    Okay.  Should that  
4                   be added to the second bullet, or should that  
5                   be a third bullet there?

6                   MR. ELLIOTT:    I think "technical  
7                   basis document" covers TIB.  I think under  
8                   Information-giving we should add a third  
9                   bullet for our workshop efforts.

10                  MEMBER BEACH:    It's on the second  
11                  page.

12                  MR.    ELLIOTT:            Oh yes, dose  
13                  reconstruction.  I see.

14                  CHAIRMAN GIBSON:    Is that better  
15                  under information-giving or is it a two-way  
16                  street?

17                  MR. ELLIOTT:    I think it's a two-  
18                  way.  I think this is fine.  I'm sorry, I  
19                  failed to read further on.

20                  MEMBER BEACH:    Well, and I just  
21                  wonder if under the information-giving if the  
22                  other outreach venues made the information-

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1 giving and -gathering, add that to the very  
2 first and have all those bullets together, or  
3 do they need to be separated like that?

4 CHAIRMAN GIBSON: Do what now?  
5 Say that again?

6 MEMBER BEACH: Well, where it says  
7 information-giving and then it gives the two  
8 bullets, SEC petition process and then the  
9 town hall meetings to educate, and then we go  
10 to other outreach venues. Do we need to keep  
11 those separate, or can we add those together  
12 and then the bullets all together?

13 CHAIRMAN GIBSON: Well, the way  
14 I'm reading it, it's like some of the meetings  
15 are more intended to gather information, some  
16 are more intended to give information, and  
17 then there are some that are a mix.

18 MR. ELLIOTT: Yes, that's correct.

19 MEMBER MUNN: In the title "Other  
20 Outreach Venues," do we actually mean may be  
21 information-giving and gathering, or do we  
22 mean may be information-giving or gathering?

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1 One would be just as correct as the other  
2 depending upon the meaning.

3 MS. ROBERTSON-DEMERS: I think  
4 it's an and/or.

5 CHAIRMAN GIBSON: Well, it would  
6 seem to me that -- and maybe I'm wrong, but  
7 the other outreach venues are intended for the  
8 back and forth, whereas in the information-  
9 gathering or giving there could be potential  
10 input that would be used. Does that sound  
11 right, Larry?

12 MR. ELLIOTT: I have no problem  
13 how you phrase it here. To mean it's six of  
14 one, half a dozen of the other.

15 MR. KATZ: You could even take out  
16 the "may be" and just say "information-giving  
17 and gathering" I think here. I just wonder  
18 for completeness, it's not a meeting per se  
19 but you do have other things, you have the  
20 ombudsmen, you have the petition counselor.  
21 Do you want these reflected here somehow?

22 MEMBER MUNN: It's my opinion they

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1 should be since we currently are concerned  
2 with --

3 CHAIRMAN GIBSON: -- the other  
4 sources.

5 MR. KATZ: Could you address them  
6 later -- in the plan they're addressed.

7 CHAIRMAN GIBSON: Yes, I agree.

8 MR. KATZ: Okay, so there's the  
9 SEC petition counselor and the NIOSH EEOICPA  
10 ombudsman.

11 MEMBER MUNN: They could very  
12 easily be included in the paragraph --

13 MR. KATZ: What is the third  
14 category?

15 MR. MCGOLERICK: Doesn't that come  
16 under information-giving under SEC petition  
17 process and education?

18 MR. KATZ: I think -- I mean, I  
19 think I can speak more for the ombudsman than  
20 the petition counselor. I know the ombudsman  
21 does a bunch of both. She's not just giving  
22 information, but she receives a lot of

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1 information that she provides on to OCAS and  
2 the program. Larry could speak about that.

3 MR. ELLIOTT: That's true. I  
4 guess my question is different. Is the  
5 Ombudsman's Office subject to review.

6 MR. KATZ: Well, it's not an OCAS  
7 -- to be clear, that's not an OCAS function,  
8 that's a NIOSH function. But it is certainly  
9 part of the portfolio of what gets done for  
10 claimants in that respect. I think it's  
11 proper for the Worker Outreach Group to be  
12 looking at that to be sure.

13 MEMBER BEACH: I agree.

14 MEMBER MUNN: It appears that a  
15 sentence just before the last sentence in the  
16 following paragraph, the paragraph that  
17 immediately follows the listing of the types  
18 of meetings could be inserted. Just before  
19 "tracking would focus on information provided  
20 by site operations," et cetera. Where we're  
21 listing CATI's --

22 MR. KATZ: Oh, right.

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1                   MEMBER MUNN:       -- DHA meetings,  
2       close-out interviews.  It seems an appropriate  
3       place to add.

4                   MR. KATZ:     Yes, I agree Wanda, I  
5       think that's another way to do it.  And it  
6       sort of -- it fits it in the sense that this  
7       is sort of routine, ongoing service like the  
8       CATIs.

9                   CHAIRMAN GIBSON:  Wanda, could you  
10      try to put a sentence together, an email to us  
11      of how you'd want it to go in there?

12                  MEMBER MUNN:    Oh dear.  Yes.  You  
13      want to include -- please give me the list of  
14      what you want me to include in it.

15                  MR. KATZ:     So we're just -- we're  
16      just talking about the NIOSH EEOICPA ombudsman  
17      and the SEC petition counselor.

18                  MS. BREYER:    And Ted I'll just add  
19      in here -- this is Laurie -- that it's similar  
20      for me.  I mostly educate.  I would say the  
21      majority of the work I do with individuals and  
22      the public is to educate them about the SEC

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1 petitioning process, but if I do receive  
2 information, you know, I do have a process to  
3 make sure that gets to the right individuals  
4 as well.

5 MEMBER MUNN: Okay, so the NIOSH  
6 ombudsman and the SEC petition counselor are  
7 the two that you want to include in this.

8 MR. KATZ: Yes. They may need a  
9 separate sentence, looking at this.

10 MEMBER MUNN: Yes, it appears to  
11 me that they may. And it will be a very  
12 simple one, but yes, I'll put something  
13 together for us later in the meeting.

14 MR. KATZ: Thanks, Wanda.

15 CHAIRMAN GIBSON: Okay. Does that  
16 -- so that's all the changes we think we need  
17 to make in the scope? Is everyone happy with  
18 the content?

19 MEMBER MUNN: It certainly seems  
20 to cover the scope.

21 CHAIRMAN GIBSON: What did you  
22 say, Wanda?

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1                   MEMBER MUNN:    I said it certainly  
2                   seems to be an adequate scope.

3                   CHAIRMAN GIBSON:   Okay.  Bill, you  
4                   guys have any concerns?

5                   MEMBER BEACH:    I was just sitting  
6                   here trying -- I see on the last paragraph  
7                   that it talks about previous worker outreach  
8                   databases, TopHat, WISPR, I was just looking  
9                   to see where the current one, if it fits in.  
10                  Do we want that in our scope and not just in  
11                  our --

12                  MS. ROBERTSON-DEMERS:   Well, we  
13                  would have to get rid of "previous."

14                  MEMBER BEACH:    Yes, I think maybe  
15                  we should do that.

16                  CHAIRMAN GIBSON:    So get rid of  
17                  the word "previous," right?

18                  MEMBER BEACH:    Does it need to be  
19                  in parentheses, or can it just be part of a  
20                  sentence?

21                  CHAIRMAN GIBSON:    Okay, any other  
22                  concerns with the scope?

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1                   MEMBER MUNN: I guess, I'm looking  
2                   at that first sentence there that we were just  
3                   discussing. It indicates what some of the  
4                   sources are, but it doesn't really state that  
5                   we're including these. It just lists these as  
6                   additional.

7                   MR. KATZ: I think it could be re-  
8                   framed to say basically that, you know, in  
9                   addition to the various meetings, et cetera,  
10                  that are listed above, OCAS and NIOSH provide  
11                  and obtain information through a variety of  
12                  other means, and then list these things, you  
13                  know, and make clear that these will be  
14                  evaluated too.

15                  MEMBER BEACH: To keep consistent,  
16                  maybe we should bulletize them in the way that  
17                  we've done the others, by Arjun specialties.  
18                  I don't know if it's necessary, but it would  
19                  make it clearer.

20                  MR. KATZ: I think just the  
21                  English needs to be clear as to what the  
22                  relevance of these is for this Work Group, but

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1 I think that's a simple rewrite.

2 CHAIRMAN GIBSON: It needs to be  
3 clear that is within our scope.

4 MR. KATZ: Yes. I mean, I agree.

5 DR. MAKHIJANI: Am I being tasked  
6 with something?

7 MEMBER BEACH: Yes.

8 MR. KATZ: You know, I don't think  
9 they have to be all bullets, but I think it  
10 could be done nicely in a paragraph. Wanda,  
11 maybe if you're going to add a sentence anyway  
12 covering the two additional items, if you want  
13 to take a crack at this today.

14 MEMBER MUNN: Okay.

15 MEMBER BEACH: Well and the only  
16 other thing I have Mike is we've got basically  
17 what our mission is. We don't ever say how  
18 it's going to be accomplished or how it's  
19 going to be tracked. And it may not belong in  
20 this first section, but it's something we need  
21 to think about.

22 MR. KATZ: Well, the framework for

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1 how is the evaluation question.

2 MEMBER BEACH: Correct.

3 MR. KATZ: Which follows. I mean,  
4 that's just the broad framework for how and of  
5 course down the road that'll get fleshed out,  
6 but.

7 MEMBER BEACH: Okay. So we'll get  
8 to that then.

9 CHAIRMAN GIBSON: So would it be  
10 better then after the scope section, before  
11 the first evaluation objective if we add a  
12 sentence or two that says, you know, this will  
13 be accomplished by the following objectives?  
14 To show that we're taking a second step. We  
15 went from the scope to how we're going to do  
16 it. Does that make any sense or is that just  
17 adding needless words?

18 MR. KATZ: No, I think it's a good  
19 idea to have an introductory sentence or two  
20 that says in effect that the evaluation to be  
21 conducted by the work group will be -- I'm not  
22 going to say it in good English here, but will

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1 be conducted under the following framework as  
2 something to introduce that this is the  
3 framework under which these elements will be  
4 evaluated.

5 DR. MAKHIJANI: Maybe -- above the  
6 list of objectives maybe there can be an  
7 overall title that says objectives and then a  
8 sentence like what you just said. And then go  
9 to Objective Number 1, 2, and so on. Because  
10 firstly there is the mission statement, then  
11 there's Scope of Worker Outreach Working Group  
12 as titled, and the third title can be  
13 Objectives.

14 MR. KATZ: Yes and then an  
15 introductory sentence or two.

16 DR. MAKHIJANI: Yes, right.

17 MR. KATZ: And then follow with  
18 the actual objectives. That's good.

19 CHAIRMAN GIBSON: Okay.

20 MEMBER BEACH: Is that one you're  
21 working on, Arjun?

22 DR. MAKHIJANI: Yes. The

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1 evaluation will be conducted by the Work  
2 Group. Well what I wrote down is the  
3 evaluation will be conducted by the Work Group  
4 in the follow-up framework as specified in the  
5 following four objectives.

6 MEMBER MUNN: With the following  
7 four objectives as a basis.

8 MEMBER BEACH: Did you say "as a  
9 basis?"

10 MR. KATZ: I think if you just  
11 say, "under the following framework" or  
12 something like that. We don't need to say  
13 much.

14 MEMBER MUNN: That's simpler.

15 DR. MAKHIJANI: Okay.

16 MR. KATZ: And then at some point  
17 if you add an objective you don't have to  
18 revise that sentence.

19 CHAIRMAN GIBSON: Okay. So we are  
20 ready to look at the objectives now. Start  
21 with Number One, any comments or concerns? Is  
22 there anything that needs to be cleared up or

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1 added?

2 MEMBER BEACH: Mike, before we go  
3 there I just have one brief question, and this  
4 might be a Larry question. In that -- under  
5 Outreach Venues including giving and gathering  
6 information, under the Dose Reconstruction  
7 Workshop that we just went to, that was  
8 considered an information-giving, or was it a  
9 giving/gathering?

10 MR. ELLIOTT: It was primarily to  
11 give information, but while we're there we  
12 certainly collect information. We've had SEC  
13 petition genesis occur at those workshop  
14 meetings.

15 MEMBER BEACH: Okay.

16 MR. ELLIOTT: So I see it  
17 primarily as a giving, but we do collect  
18 information, we do welcome input as you heard  
19 and I've already got three letters from last  
20 week's workshop about things that we could do  
21 better.

22 MEMBER BEACH: Right. So just for

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1 me, I just kind of wanted to know if we were  
2 coming to audit or coming to look at it, you  
3 know, how we would know if it was more giving  
4 or gathering, or if it's just always going to  
5 be a little bit of both under those titles?  
6 So.

7 MR. ELLIOTT: Well, I don't know  
8 that there's a strong distinction to make.  
9 You know, I think there's -- it's recognized  
10 that there's an opportunity in these forums to  
11 not only give, but to take in information and  
12 we want to address that opportunity both ways.

13 When you look at just the -- I think by  
14 comparison the information-giving aspect of  
15 these two bullets that are listed here, SEC  
16 petition process education and town hall  
17 meetings to educate about changes in site  
18 profile, those are primarily directed at just  
19 providing information. Certainly at those  
20 venues we may walk away with some new  
21 thoughts, ideas and inputs, but you know our  
22 intended goal is to make sure that we

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1 communicate effectively about how to process a  
2 petition, how to submit a petition, how the  
3 site profile may have been changed and what  
4 was changed, why it was changed.

5 MEMBER BEACH: Well, it's real  
6 easy to see what you're giving. It's harder  
7 to see what you're getting back and how you're  
8 noting that and how you're documenting it so  
9 that was where my question kind of came from  
10 for us.

11 MEMBER SCHOFIELD: Laurie, can I  
12 ask you a quick question on these? When  
13 you've done a lot of these workshops where  
14 you're trying to educate people on the dose  
15 reconstruction or SEC petition process, do you  
16 receive a lot of feedback at that time?

17 MS. BREYER: Well, you did say  
18 Laurie, right?

19 MEMBER SCHOFIELD: Yes.

20 MS. BREYER: Okay. I receive  
21 some. The workshops, the dose reconstruction  
22 workshops, they usually request feedback from

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1 the participants, and I think Larry and Mary  
2 can also talk about that. As far as like the  
3 SEC workshops that Denise and I have done in  
4 the past, we don't have any kind of formal  
5 process for receiving feedback. We do have  
6 some informal conversations with people before  
7 and after the meeting, and get a lot of people  
8 that provide comments about things they did  
9 understand or didn't understand, or you know,  
10 typically they're positive. But we don't like  
11 document the feedback in any kind of formal  
12 process.

13 MR. KATZ: If I could make a  
14 distinction here, there's -- when you ask for  
15 feedback on a process that's a giving, for  
16 giving information then you ask for feedback,  
17 how well did I do this, that's really distinct  
18 from what's being talked about in this  
19 evaluation plan, meaning NIOSH getting  
20 information related to its technical  
21 documents, et cetera, versus giving  
22 information. So I think it's a little bit --

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1 we're mixing apples and oranges here. And if  
2 a dose reconstruction workshop is really just  
3 to give them information about how we do dose  
4 reconstructions, if we're just soliciting  
5 information about how well we did that, that's  
6 just part of still the giving process really  
7 and the board then can evaluate how well we  
8 did that, but OCAS is just doing its own due  
9 diligence in evaluating how well are we doing  
10 this. But if the dose reconstruction workshop  
11 is also a venue in which people raise issues  
12 about you know whether there needs to be an  
13 SEC petition at a site for whatever technical  
14 reasons, what have you, if it's intended to  
15 address that sort of purpose then that's  
16 something that would be evaluated for  
17 information-gathering, under an information-  
18 gathering mission. So again, so I guess it's  
19 really up to OCAS to specify whether these  
20 different venues -- what their objectives are  
21 and then you evaluate them according to the  
22 objectives that OCAS specifies. But just

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1 taking in information as to how well OCAS --  
2 OCAS taking information in about how well it's  
3 doing its job, that's not information-  
4 gathering in the sense that we have it in this  
5 framework.

6 CHAIRMAN GIBSON: So, do we need  
7 to make that clear? I agree with you. So do  
8 we need to make that clear in one of our  
9 objectives?

10 MR. KATZ: So I think, I mean, for  
11 this thing what I think, as long as OCAS is  
12 comfortable with the categories that these are  
13 placed in, I mean I think that's good enough  
14 here, but then when you go into detailed  
15 evaluation of these different venues, I mean  
16 you know OCAS will lay out for you here are  
17 objectives for this that you can be evaluating  
18 and then you'll, you know, you'll evaluate it  
19 against those objectives, against those  
20 purposes. So you'll have very specifically  
21 from OCAS what they were trying to obtain.  
22 And then you can very specifically evaluate

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1       how well that's getting done and if there are  
2       any ways to improve that.

3                   MS.   ROBERTSON-DEMERS:       So the  
4       workshop       was       presented       as       providing  
5       individuals   with   information   that   they   can  
6       share with other claimants.   Period.   The end.

7       Okay?   But there were comments invited in the  
8       workshop   that   were   pertinent   to   the   site  
9       profile   and   dose   reconstruction,   so   kindly  
10      clarify what you mean.

11                   MR.   KATZ:       So, I mean that's an  
12      argument   that   even   though   they   had   the  
13      objective   just   of   giving   information,   they  
14      have an open forum where people can provide  
15      that kind of input and so that's why you have  
16      it now, and I guess Larry agreed that it  
17      belongs under this giving and getting.

18                   MS.   ROBERTSON-DEMERS:       But in  
19      terms   of   evaluating   we're   only   going   to  
20      evaluate   them   to   the   definition   that   they  
21      presented to the participants.

22                   MR.   KATZ:       No, but if they took in

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1 information at the venue that was related to  
2 the technical content of their TBDs and what  
3 have you, then you could still follow up as to  
4 how did that information get incorporated, for  
5 sure.

6 DR. MAKHIJANI: Josie raised that  
7 earlier, you know, when information comes up  
8 basically what documentation, follow-up, and  
9 essentially what you would think.

10 MR. ELLIOTT: And there may not be  
11 a formal process. Let's just be frank about  
12 it. I mean, Andrew Evaskovich last week  
13 reported that he thought dose reconstruction  
14 reports were being produced for LANL claimants  
15 using two technical information bulletins that  
16 were not final, were still in draft form,  
17 okay? Well that perks our ears up, that's a  
18 flag that gets raised in our minds. What do  
19 we do about that? Well, you know, I asked  
20 Andrew to send an email to the OCAS inbox so  
21 that we can have something from him in writing  
22 documenting what his concern was. Then we

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1 took that and we provided an answer to him.  
2 Before we got our answer developed fully he  
3 realized that he was speaking in error and so  
4 told us in a further email. So, I mean in  
5 that instance, that example there may be a  
6 documentation trail that could be followed.  
7 You know, I think there were other things that  
8 we could point to that were brought up in last  
9 week's workshop that probably don't have that  
10 level of formality associated with them.  
11 Something might have been said that we've  
12 already considered and we don't find it to be  
13 something we're going to carry forward and do  
14 anything with, and hopefully that person was  
15 told that.

16 MR. KATZ: I mean, when someone's  
17 doing an evaluation they could interview you  
18 about that, they could find out what happened  
19 there and they could lay the facts on the  
20 table. And that may be perfectly appropriate  
21 for that situation.

22 MS. ROBERTSON-DEMERS: This is

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1 Kathy. Can I ask you to kind of clarify  
2 something? Is the OCAS inbox the same as the  
3 docket?

4 MR. ELLIOTT: Things can be  
5 submitted to the OCAS inbox for the docket.  
6 In other words, somebody can write in and say  
7 through the OCAS inbox I'd like to make  
8 comment on NIOSH's technical bulletin or  
9 whatever and they can either ask or we will  
10 make a decision and it should be placed in the  
11 docket associated with that technical  
12 bulletin. I think if you look at our website  
13 there is also a reference to how to submit  
14 written comments to the docket office  
15 directly. There's an address, there is a  
16 docket officer mentioned, so it's handled both  
17 ways. Formal comments can be submitted to the  
18 docket office and comments can be submitted  
19 through the OCAS inbox which we will then  
20 place in the docket appropriate to that  
21 document. Either way a response should be  
22 crafted and developed and forwarded back to

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1 the individual. The response may be nothing  
2 more than, "We've received your input," by the  
3 way. "We will consider it as we revise our  
4 technical approach," or what have you.

5 CHAIRMAN GIBSON: This line of  
6 discussion we're just having, that is  
7 something that will be evaluated under  
8 Objective 2, correct?

9 MR. KATZ: Yes.

10 DR. MAKHIJANI: Before we go to  
11 Objective 2, under Objective 1 one of the  
12 things that really impressed me with the  
13 meeting that we went to was who was around the  
14 table. I thought it was a really good  
15 collection of people. They were obviously  
16 experienced advocates. As a result there was  
17 a lot of very good back and forth that  
18 happened, a lot of lively questioning,  
19 discussion, and so on. And so I think who  
20 gets around the table and the process for that  
21 seemed to be kind of pretty appropriate. I  
22 don't know if you want to add a bullet because

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1 I don't see one. Maybe an elaboration of the  
2 second bullet, how OCAS informed workers, or  
3 how OCAS or ATL work together because I  
4 understood that it was some kind of -- Larry  
5 had a letter, I've seen that letter, and then  
6 Mark also invited people. I don't know  
7 whether you want to have a bullet for that  
8 process or assessing that process for who gets  
9 around the table or not.

10 MEMBER BEACH: I guess my question  
11 is does it change. Is there a different  
12 process at each meeting, or?

13 MR. ELLIOTT: Well, I think you're  
14 attempting to look into something that is  
15 perhaps not very well formalized, not  
16 documented in any procedure of any sort. As  
17 we approach the commitment to put on one of  
18 these workshops we through ATL's good offices  
19 they identify the organized labor reps that  
20 have not attended one of these in the past, or  
21 have attended but feel that they could benefit  
22 from a refresher, or they want to bring

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1 somebody else with them. So there's an effort  
2 that ATL performs in that regard and they  
3 certainly -- or Mark or Mary could talk about  
4 that at length. The former worker screening  
5 programs, this is the second workshop. We  
6 really tried to include them and so, you know,  
7 we're operating with a list there and  
8 availability comes there, those individuals,  
9 when they can attend, when they can't attend,  
10 you know. They may get an invitation and they  
11 can't, so we just go down on the list.  
12 Advocates in the same way. I think we've had  
13 advocates in this workshop audience probably  
14 from the second workshop on and so, you know,  
15 as we encounter advocates that we feel could  
16 benefit from participating in the workshop and  
17 could aid claimants and have the right -- I  
18 need to be careful in my choice of words here,  
19 but have the ability to get the information  
20 across to the claimants too. Quite frankly,  
21 some advocates don't, you know, won't benefit  
22 from our workshop because they're not going to

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1       come in and take away what we hope that they  
2       will take away. So that doesn't mean we won't  
3       invite them, but we tried to identify those  
4       individual advocates that have a constituency  
5       out there that they're really trying to help  
6       and they could benefit from having this  
7       information that we can impart to them. And  
8       so we're limited by the space available in the  
9       venue that ATL has the logistical arrangement  
10      that they have arrived at with -- I'm not --  
11      ICWUC. And so you know, you can only pack so  
12      many people into that space according to the  
13      fire code. And we're trying to do this on the  
14      cheap to a certain extent. We could certainly  
15      rent a bigger space, a bigger hotel, but we  
16      find that that can be problematic too. The  
17      more people you pack into the room perhaps the  
18      less effective we are, the less efficient we  
19      are. And so we really tried to target these  
20      to 24 or so people because that's what that  
21      room will hold and that's what we feel that we  
22      can get around the tables and work with in the

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1 exercises with enough staff there to help  
2 individual groups from that 24 work through  
3 the exercises, et cetera. So I don't know.  
4 Does that help your understanding of how we  
5 come up with these folks? I mean, you know we  
6 had three or four people drop out of this one.  
7 After they got the invitation they couldn't  
8 attend, so we went on down the list and  
9 continued to invite till we got to 24. Vern,  
10 you want to?

11 MR. MCDOUGALL: Yes, a couple of  
12 things. One, the ICWUC is in the process of  
13 getting newer somewhat upgraded space, but I  
14 don't want you to think we're stuck in that  
15 room for the wrong reasons. One, especially  
16 with the people that have traditionally come  
17 to these things it creates a nice -- it  
18 creates a good atmosphere for worker  
19 education. If we had a bigger venue, a tenet  
20 of sound worker safety and health training is  
21 you don't want to get much bigger than 25.

22 MEMBER BEACH: I don't think we

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1 were concerned with the space or the size. I  
2 think the size was perfect. I think ours was  
3 just how do you get the people there, and we  
4 know that Mark contacted some people, we know  
5 that Larry sent out a letter to --

6 MR. ELLIOTT: I sent a letter to  
7 all participants.

8 MR. MCDUGALL: Yes, but let me  
9 address that just for a second because it's a  
10 little richer and more structured than that.  
11 Larry's letter went to people that we  
12 identified, okay? We do the groundwork first.  
13 We're talking with all of these people with  
14 the exception of a couple of advocates that I  
15 think Denise talked to. Everybody else was  
16 there because we reached out to them,  
17 explained what the workshop was about,  
18 discussed it, who should attend, and the list  
19 of people that should get Larry's letter came  
20 out of those discussions, okay? There were  
21 people who run medical screening programs who  
22 did not get Larry's letter because they told

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1 me up front they -- because they were not  
2 interested up front, or one that got Larry's  
3 letter then decided they weren't interested.  
4 But it's a process. And the letter from ATL  
5 is basically providing more information to  
6 people who have already basically accepted  
7 Larry's kind of formal invitation. So it's  
8 all a process. Nobody is sending out letters  
9 cold just to people on a mailing list saying  
10 hey, do you want to come to our workshop,  
11 okay? We spend a good amount of effort and I  
12 think skill in working that through.

13 DR. MAKHIJANI: Just so my comment  
14 wasn't misunderstood. I was actually -- we  
15 do, in my other hat, my institute hat, we do  
16 annual workshops that are teaching workshops  
17 basically, about a variety of technical things  
18 to community advocates and leaders, and we  
19 have also found with the staff that we have  
20 which is several staff people that if you have  
21 more than two dozen you can't do it right.  
22 And because the interchange -- you can have

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1 30, we experimented with 30, and I know 30  
2 pushes the limit. So it wasn't a comment that  
3 there were too few people --

4 MR. ELLIOTT: No, we didn't take  
5 it as that.

6 DR. MAKHIJANI: -- or the room was  
7 too small or anything like that. It was just  
8 that I was impressed with who was around the  
9 table.

10 MR. ELLIOTT: And you wanted to  
11 know how we arrived at that.

12 DR. MAKHIJANI: And so, you know,  
13 is there a process to make that a repeatable  
14 result, is that typical, is there something  
15 the work group can learn, and so on.

16 MR. ELLIOTT: So this workshop  
17 that you observed last week, we wanted it to  
18 have a diverse audience so that's why we  
19 invited folks from organized labor, advocates  
20 and the former worker screening program folks  
21 that you saw. We also had and we invited  
22 Department of Labor's Ombudsman's Office

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1 because we had heard in a previous workshop it  
2 would be beneficial to have somebody from DOL  
3 there to talk about Part E. And quite frankly  
4 we thought that Ombudsman's Office could  
5 benefit from what we provided as information  
6 as well, and I think they did. We also have  
7 had workshops and will have I think a workshop  
8 in the future where the audience is  
9 substantially different. It can be the whole  
10 -- it can be devoted just to resource center  
11 and Department of Labor claims examiners.  
12 We've done one of those in the past where it  
13 was dedicated just to those. We didn't have  
14 claimants in the room, we didn't have  
15 advocates in the room, we didn't have  
16 organized labor folks in the room. It was to  
17 inform DOL, the claims examiners and resource  
18 centers, what NIOSH's responsibilities are and  
19 how we go about performing those so that  
20 they're better educated in dealing with the  
21 claimant population. And we've already heard  
22 that DOL would like to have us hold one of

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1 those workshops in the future because they've  
2 had a number of new claims examiners come  
3 onboard.

4 MEMBER BEACH: So you have a  
5 tentative April meeting scheduled. When will  
6 you decide who's going to be in attendance at  
7 that, or is it just a process?

8 MR. ELLIOTT: We haven't decided  
9 if that will be dedicated to the resource  
10 center DOL folks. Or you know I think Mark  
11 and Vern have got to run their trap lines and  
12 determine have they got a cadre of folks that  
13 didn't get to go to this last one that are  
14 anticipating the next one because that'll  
15 help. We may put on two real close. This is  
16 a lot of work. There's a lot of effort that  
17 goes into one of these things behind the  
18 scenes and it's like getting ready for a board  
19 meeting almost. But they do a fine job and I  
20 think it pays dividends to us and so we  
21 haven't decided at this point, you know, other  
22 than in April we're going to try to schedule

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1 one. Now whether it'll be DOL or it'll be  
2 labor and advocates and who else, we don't  
3 know that yet.

4 CHAIRMAN GIBSON: Is there any  
5 thoughts to looking into like outside of  
6 labor, other professional organizations,  
7 Society of Engineers or known retiree groups  
8 or something you know?

9 MR. MCDUGALL: We don't  
10 consciously exclude retiree groups, for  
11 example, but first of all let me tell you Mike  
12 that a lot of these folks, the folks who come  
13 to these things don't really draw the  
14 distinctions between their roles in the way  
15 that we are around the table here. For  
16 example, the people from Oak Ridge were both  
17 from Y12 and ORNL. That four people were both  
18 the leadership of the medical screening  
19 program and the leadership of the ATLC, and  
20 the head of the medical screening program used  
21 to be the head of the ATLC. And the core  
22 group. And a lot of these people who run

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1 medical screening programs may see themselves  
2 as advocates. I'm not sure, if you look at  
3 Andrew, because Andrew was there with the  
4 president of his union. Is he there as a  
5 Labor guy or is he there as an advocate?  
6 Well, you may define him, but I'm not sure  
7 that he needs to define himself that  
8 precisely. So this is some of the -- you  
9 know, there's a certain amount of art  
10 involved.

11 MR. ELLIOTT: I would draw you  
12 back to our purpose in holding these workshops  
13 and that is to assist, inform, subsidize, help  
14 people who are out there helping the  
15 population at large that are affected by this  
16 program. So if somebody said to us hey, the  
17 Painter's Guild, you know, there's a guy there  
18 that really is out there reaching out to folks  
19 and trying to help folks and he would benefit  
20 from your workshop certainly we would sick  
21 Mark on him and let him go. We realize at  
22 certain sites there isn't an organized labor

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1 group that might be appropriate for us to  
2 tackle and so they talked with retired folks,  
3 they talked with, you know, who's out there  
4 helping these folks, who can we benefit in  
5 their work. That's the purpose.

6 MEMBER MUNN: Well there continues  
7 to be concern and adequate concern --

8 MR. KATZ: Wait, hold on a sec  
9 Wanda. You guys are talking over each other  
10 and it's impossible for the recorder to  
11 capture both.

12 CHAIRMAN GIBSON: Go ahead.

13 MR. KATZ: Okay, go ahead Wanda.

14 MEMBER MUNN: It remains a quite  
15 valid concern that certainly by appearance  
16 many of the special meetings that are  
17 organized are organized specifically by and  
18 for organized labor members or people who are  
19 associated with organized labor's activities.

20 Whether, as in the case quoted, one of those  
21 individuals may or may not serve some function  
22 outside a specific union function, that

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1 doesn't change the fact that there's a real  
2 concern and it is quite obvious to those who  
3 are not members of organized labor that the  
4 same attention is not paid to other not  
5 organized groups and individuals as is paid to  
6 organized labor in setting up these kinds of  
7 activities. There's no way that is obvious at  
8 first glance to change anything that's been  
9 done in the past so that the same kind of  
10 requests are received and the same kind of  
11 unified effort is made because most of the  
12 non-organized units are by definition not  
13 organized. It is worthwhile for this board  
14 certainly to keep in mind that despite common  
15 understanding, the work "worker" does not by  
16 definition mean a union member.

17 MR. MCDOUGALL: Wanda, if I may,  
18 part of it I think you nailed it when you said  
19 something about organized. If people aren't  
20 organized in groups in some fashion it's real  
21 hard to deal with them. Where we've found  
22 organized groups we've dealt with them. An

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1 example that I think I might have mentioned  
2 before is Pinellas where the -- and that was a  
3 non-union group down there, and the retiree  
4 group that we started with several years ago  
5 has at least in part morphed into whatever  
6 that advocacy group is called in Florida now.

7 At least some of the leadership of that  
8 original retiree group went into there. There  
9 are retiree groups at some of these other  
10 sites that we have reached out to and  
11 basically they have not been, the ones that  
12 we've identified have not been that  
13 interested. So --

14 MEMBER MUNN: That's always the  
15 case if the information doesn't get to the  
16 specific person involved and that of course is  
17 something that may not be doable under any  
18 circumstances.

19 MR. MCDUGALL: Well, we deal with  
20 the people who have been identified as the  
21 president --

22 MEMBER MUNN: Right.

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1                   MR. MCDUGALL:    -- the president  
2                   of the retire group and frankly it's the same  
3                   with the unions, Wanda.  You start with the  
4                   leadership and you kind of depend on the  
5                   leadership of any of these organizations to be  
6                   willing to identify the folks that are going  
7                   to be interested and are going to be  
8                   contributors.

9                   DR. MAURO:     This is John Mauro.  
10                  Good morning everyone.  I'm listening to the  
11                  conversation and I just thought I would offer  
12                  up a perspective that might be helpful.  It  
13                  appears that there are two different missions  
14                  that we have today and we're discussing them  
15                  together in a confounding way.  Stay with me  
16                  for a minute.  One is to come to some  
17                  sensibility regarding of course the mission  
18                  statement and the implementation plan, and the  
19                  other is to implement that plan.  The  
20                  conversations that we are having right now are  
21                  almost a form of implementing the plan.  What  
22                  I mean by that is to discuss what is going on,

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1 how it's being done, who are we reaching, how  
2 we're reaching them. In other words, we're  
3 into what I would say the actual  
4 implementation and doing the job. But it was  
5 also my understanding that we may want to do a  
6 little bit of that, but more importantly we  
7 want to do a little bit of that so that we can  
8 get a richer understanding of our  
9 implementation plan and whether or not the  
10 language we have, the scope and how we've  
11 defined ourselves in terms of the  
12 implementation plan is what we want and what  
13 we want to bring to the full Board for their  
14 blessing. So I just wanted to say that it  
15 sounds like these conversations are very  
16 useful, but only at this point in the process  
17 to the extent that they enrich our  
18 understanding of what our implementation plan  
19 should look like.

20 MEMBER MUNN: Thank you, John.  
21 You are correct from my perspective. I  
22 believe we're ahead of the curve. We haven't

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1 gotten through our implementation plan yet and  
2 we're discussing whether or not the  
3 implementation plan that we're trying to put  
4 together is working now.

5 DR. MAURO: But it's good. As I  
6 mentioned, it's good that you talk about the  
7 real world, that we've participated in two  
8 meetings and there's an enormous amount of  
9 experience and going to that place and then  
10 coming back again and asking ourselves some  
11 probing questions regarding the implementation  
12 plan is a good way to do this.

13 MS. ROBERTSON-DEMERS: May I say  
14 something? I think what Arjun was proposing  
15 was to add another question that says how do  
16 you determine who you invite to worker  
17 outreach meetings. And it's not just the  
18 workshop. It's even more important with the  
19 information-gathering.

20 MR. KATZ: Yes, Arjun mentioned --  
21 I concur with everything you said, John, but I  
22 thought it was great actually. I was very

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1 pleased to hear the work group actually doing  
2 some of the evaluation now. I think that's  
3 great for the reason you said, but also  
4 because this has to be -- these questions have  
5 to be asked as part of the evaluation itself.

6 So I think that's great. On Kathy's point  
7 just now, Arjun had said well, the second  
8 bullet probably needs to be revised. I think  
9 he said something along those lines anyway. I  
10 mean you could revise it just to say how OCAS  
11 identifies and informs as opposed to how OCAS  
12 informs and that then covers this point.

13 MEMBER SCHOFIELD: Well I've got a  
14 question for Mark. He years ago came out to  
15 New Mexico from PACE Union and gave a  
16 presentation. Very professional, it was very  
17 useful, but what I want to know is how did  
18 PACE -- I mean, just using this as an example  
19 -- how did he get identified. How you're  
20 going to present this and who you're coming  
21 for -- I mean, looking at?

22 MR. LEWIS: I was invited there by

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1 what are called the POWs. They asked me to  
2 come out and as far as how I was going to  
3 present it I just winged it. I only had a  
4 little bit of information and what I could  
5 find out about how -- I just went by how --  
6 what I did, what we did as the PACE Union as  
7 far as empower people and doing outreach for  
8 the retiree group like some of the stuff we're  
9 talking here. I just went out and just was  
10 myself.

11 MEMBER SCHOFIELD: So the union  
12 didn't have a formal --

13 MR. LEWIS: No.

14 MEMBER SCHOFIELD: Okay. That's  
15 what I was getting at.

16 MR. LEWIS: That was me just doing  
17 a request from someone from Los Alamos and I  
18 went to the international, blessed it, took my  
19 little boy with me and away we went.

20 MEMBER BEACH: So if we get back  
21 to Objective 1. The first sentence after the  
22 objective says, "Examine procedures by which

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1 OCAS solicits worker involvement." Do we need  
2 to list the procedure or procedures? Are  
3 there more than one procedure? Because I know  
4 we've got OCAS-PR-012.

5 MEMBER MUNN: I would suggest we  
6 not list procedures simply because we change,  
7 add to and delete procedures from time to  
8 time. And we can very easily get caught in  
9 the trap of having to follow a thread of a  
10 change like that through multiple documents.

11 MEMBER BEACH: What if we say  
12 "process?"

13 DR. MAKHIJANI: That's actually  
14 what we're doing.

15 MEMBER BEACH: Yes. But I hate to  
16 say "procedures" and then, well what  
17 procedures are we supposed to be looking at  
18 and it's not clear.

19 MR. KATZ: Well, some procedures  
20 aren't written, but processes, procedures and  
21 processes if you want to. That sounds like a  
22 good idea because you just basically

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1 interviewed Larry and ATL about process, you  
2 know, as part of this.

3 MEMBER BEACH: Yes. And do we  
4 need to add ATL to the OCAS, or do we need to  
5 leave it as OCAS? Understanding that you're  
6 quite a big part of this.

7 MR. KATZ: I'm sorry.

8 MEMBER BEACH: Oh that's fine.

9 MR. ELLIOTT: I don't think you  
10 should name contractors because contractors  
11 can change over time. I don't want them to  
12 change, but --

13 MEMBER BEACH: That's fine, I was  
14 just asking the question.

15 MEMBER MUNN: One comment with  
16 respect to the structure of our evaluation  
17 Objective Number 1 as well, that the bullets  
18 probably would be clearer if they all followed  
19 the questions format rather than making a  
20 statement and putting a question after it.  
21 That first word, I mean that first sentence  
22 underneath the evaluation where we say,

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1 "Examine the procedure by which OCAS solicits  
2 worker involvement," we might want to add, "by  
3 reviewing:" and then listing those bullets.  
4 That first bullet would probably read more  
5 properly if it said, "How does OCAS determine  
6 whether an outreach meeting is to be conducted  
7 for a facility? How does OCAS identify and  
8 inform workers of the opportunities for  
9 input?" The others are all appropriate  
10 questions. Those first two are statements  
11 followed by a question mark.

12 MEMBER BEACH: Well, I guess  
13 Arjun, are you making all the changes that  
14 we're doing here?

15 DR. MAKHIJANI: Well, I'm  
16 following along to the extent that, you know,  
17 the kind of different words that are being  
18 said by different people. So I have my  
19 version that I can send around so you all can  
20 look at it and see if I captured the  
21 discussion. I am making notes.

22 MEMBER BEACH: Yes, I was just

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1 curious if there was just one official version  
2 that.

3 MR. KATZ: I think it would be a  
4 good idea for everyone to take notes for the  
5 review process.

6 MS. ROBERTSON-DEMERS: Well,  
7 Arjun's doing the electronic note-taking.

8 DR. MAKHIJANI: For us.

9 MS. ROBERTSON-DEMERS: I'm doing  
10 the handwritten.

11 MEMBER BEACH: Okay, so the very  
12 first statement, "Examine the." We changed it  
13 to "process," got rid of "procedures," I  
14 thought, "by which OCAS solicits workers'  
15 involvement." And then Wanda added "by  
16 reviewing" and that was all I got, Wanda.

17 MR. KATZ: Yes. We want it to be  
18 plural, whatever, "processes" because  
19 obviously there are many, many approaches to  
20 this depending on what's needed.

21 CHAIRMAN GIBSON: Are we leaving  
22 "procedures" and adding "processes" or? I

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1 thought that's what she suggested.

2 MEMBER BEACH: We are leaving  
3 "procedures" and adding -- okay. That's fine.

4 MR. KATZ: Processes and  
5 procedures.

6 CHAIRMAN GIBSON: Okay.  
7 Evaluation 1. Is there any other changes that  
8 need to be made? Is there anything missing  
9 that we may have identified with our  
10 discussions here?

11 MEMBER MUNN: In that final  
12 bullet, again just grammatical I think. "Are  
13 arrangements made to participate for those  
14 interested but unable to travel to the  
15 outreach meeting" rather than the current  
16 wording with the gerund in it. "Are  
17 arrangements made to participate for those  
18 interested but unable to travel to the  
19 outreach meeting?"

20 MS. ROBERTSON-DEMERS: I think  
21 that we're still missing the question of how  
22 do you determine who's invited?

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1 DR. MAKHIJANI: I thought we added  
2 that.

3 MEMBER MUNN: Yes, we added that.

4 DR. MAKHIJANI: Should I read it  
5 back, the first three things as I have them  
6 and then you can change them, just so? Okay.

7 So I have at the top, "Examine the procedures  
8 and processes by which OCAS solicits worker  
9 involvement by reviewing the following," and  
10 then there's a set of bullets. And the first  
11 bullet is "How does OCAS determine whether an  
12 outreach meeting is to be conducted for a  
13 facility?" The second bullet is "How does  
14 OCAS identify and inform workers of the  
15 opportunities for input and follow-up to  
16 secure participation?" Those are the only  
17 changes I have so far in the first set of  
18 bullets.

19 CHAIRMAN GIBSON: And Wanda just  
20 suggested the last bullet, to add "to  
21 participate" after the word "made."

22 DR. MAKHIJANI: I didn't follow

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1 exactly.

2 MEMBER MUNN: Okay. Arjun, would  
3 you like me to read the sentence as I read it  
4 earlier?

5 DR. MAKHIJANI: Sure.

6 MEMBER MUNN: "Are arrangements  
7 made to participate for those interested but  
8 unable to travel to the outreach meeting?" I  
9 just moved the "participation" up to follow  
10 "made."

11 DR. MAKHIJANI: I'd like to  
12 suggest a friendly amendment to that, Wanda --

13 MEMBER MUNN: Go ahead.

14 DR. MAKHIJANI: -- which is to the  
15 idea really here which is just to participate  
16 in outreach meetings. If you make it plural,  
17 I gather some of these meetings are not really  
18 set up to have people connected by phone, that  
19 they won't necessarily all be the right forum  
20 to have someone, but I guess the question is  
21 valid whether there are means taken to allow  
22 participation for people who can't travel to

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1 one meeting or another, not necessarily a  
2 specific meeting. But are there arrangements  
3 made for people who can't travel is sort of  
4 the question, right?

5 MEMBER MUNN: That's the bottom  
6 line.

7 MR. KATZ: So arrangements made to  
8 participate for those interested but unable to  
9 travel to outreach meetings, just to make it  
10 plural. Then what's clear is that these  
11 people can't travel to meetings we hold far.

12 MEMBER MUNN: Yes, agreed.

13 DR. MAURO: This is John. I have  
14 one more thought along this sequence. It  
15 seems that at the end of each piece there  
16 should be a question where we solicit. It may  
17 already be there. I don't have what you have  
18 in front of you, but solicit from the  
19 participants whether or not the approach that  
20 was used at that particular get-together was  
21 effective in reaching out to the right people.  
22 Did they get the material in a timely

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1 fashion. In other words, seeking feedback on  
2 that aspect of the program, namely how it was  
3 all arranged and who we reached out to and the  
4 other elements that make up that particular  
5 step in the process. So we have what I call a  
6 self-improving process where we're always  
7 getting feedback from the parties that we're  
8 interested in and then captured that and make  
9 sure that the next time we do it we take those  
10 new things and recommendations into  
11 consideration.

12 MEMBER MUNN: Yes, John. Those  
13 kinds of questions crop up in this second  
14 objective.

15 DR. MAURO: They do? Okay.

16 MEMBER MUNN: What information was  
17 obtained, was it communicated to participants,  
18 did the participants have the opportunity to  
19 comment. That's captured in the second  
20 objective.

21 DR. MAURO: Okay.

22 MEMBER MUNN: I think.

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1 DR. MAKHIJANI: There's also  
2 evaluation stuff in the fourth objective.

3 MEMBER BEACH: So I'm having a  
4 little trouble with the sentence, "Examine  
5 several examples of OCAS solicitations and  
6 follow-up associated with several particular  
7 work products." What are we looking for  
8 there, or am I just missing?

9 MR. KATZ: So, the first series of  
10 bullets is looking at processes and  
11 procedures, and the second arena is to  
12 actually take some examples sort of -- so  
13 there was some discussion earlier about some  
14 specific examples, but to take some examples  
15 and examine them in detail what happened. So  
16 versus looking at generic processes and  
17 procedures and understanding what are they and  
18 do they make sense and so on. Then it's in  
19 real life looking at a few examples, narrow  
20 our focus, held meetings, how were those  
21 meetings held, how do they compare, the  
22 reality compares to the processes and

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1 procedures.

2 MEMBER BEACH: That helps, thank  
3 you.

4 MR. ELLIOTT: I'd like to offer a  
5 suggestion. I don't want to lose the word  
6 "worker" but I think that it would benefit  
7 from adding "worker and stakeholder  
8 involvement."

9 DR. MAKHIJANI: Where are we,  
10 Larry?

11 MR. ELLIOTT: Well, I think if you  
12 look at the first, right under Evaluation  
13 Objective 1, that first sentence that you  
14 worked on, "Examine the procedures," la, la,  
15 la. I think if you insert "and stakeholder  
16 involvement" it becomes a little broader and  
17 perhaps more encompassing and appropriate. I  
18 think there are some other areas here that  
19 you've got just "workers," maybe that's okay,  
20 maybe you want to add "and stakeholder," but  
21 just a suggestion.

22 MEMBER MUNN: I don't know whether

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1 "stakeholder" -- it's such a broad term.  
2 "Worker representatives" possibly? It's a  
3 grammatical thing.

4 MR. ELLIOTT: Well, I think - I'm  
5 proposing this or suggesting this because we  
6 want to talk to workers, we do talk to  
7 workers, but we also talk to claimants who are  
8 not workers. We talk to petitioners, who are  
9 not necessarily workers. We talk to advocates  
10 who in their own right have a job and they are  
11 working, but they're not a worker as we would  
12 define it in the context of this document,  
13 this program. And I think all of those folks  
14 are a stakeholder.

15 MEMBER SCHOFIELD: I tend to agree  
16 with that.

17 MR. KATZ: Workers, claimants and  
18 their representatives would probably cover the  
19 waterfront.

20 CHAIRMAN GIBSON: Ted, if I could  
21 take a second here. I just got an email from  
22 Terrie Barrie that said she's trying to call

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1 in and she just gets a busy signal. So I'm  
2 not sure the phones are working.

3 MR. KATZ: Well, we're listening  
4 to Wanda and John and to the folk, right? We  
5 still have you all?

6 MEMBER MUNN: Yes, you sure do.

7 MR. KATZ: So the phone line is  
8 working. I'm wondering if Terrie, if you want  
9 to send her the phone number again, maybe  
10 she's dialing the wrong number.

11 CHAIRMAN GIBSON: I've sent her a  
12 copy of the agenda.

13 MR. KATZ: And we don't have many  
14 people on this phone line. It's probably  
15 automatically at least 50 people can join and  
16 we have something like seven.

17 MEMBER MUNN: Yes, there were only  
18 six when I dialed in.

19 CHAIRMAN GIBSON: Could you ask  
20 and see if she's on the line?

21 MR. KATZ: Terrie, have you joined  
22 us now?

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1                   CHAIRMAN GIBSON:    I'll just tell  
2 her to try to dial again.

3                   MR. KATZ:       Yes, I would try to  
4 dial again because we wouldn't have John and  
5 Wanda if the phone line weren't working.

6                   MR. ELLIOTT:    I would also like to  
7 go back and make a distinction on this  
8 discussion about evaluation of did we meet the  
9 target, did we hit the target.    There's an  
10 evaluation that we should be performing at the  
11 end of these workshops or at the end of these  
12 outreach events ourselves trying to gain a  
13 perspective from the attendees and the  
14 participants as to whether or not they found  
15 it to be helpful and official or productive.  
16 But you know, I think last week in the  
17 workshop it was suggested that maybe each of  
18 the participants be touched by SC&A or the  
19 board member present to see what their  
20 thoughts were.  And I think that's problematic  
21 in that if you use a questionnaire approach  
22 you run up against the Paperwork Reduction Act

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1 and you need OMB clearance to touch more than  
2 10 people that way. So you need to be  
3 cognizant of that concern, that issue.  
4 Certainly any of the evaluation sheets that we  
5 would provide at the end of a session should  
6 be loaded up in the database for that event so  
7 that, you know, the reviewers could see what  
8 was commented upon what was said.

9 DR. MAURO: Larry, this is John.  
10 I want to second that. I feel it's very  
11 important that SC&A or the Board's contractor  
12 that's sitting in on these meetings is doing  
13 so in a passive mode, collecting information,  
14 trying to make intelligent observations, but  
15 we should not be intrusive. Our role is after  
16 the meeting doing the things we're doing right  
17 now, namely feeding back to the Work Group  
18 some of our observations, maybe some  
19 suggestions, but I don't - right now at least,  
20 unless things - I think that at least we  
21 should not be thinking in terms of SC&A as  
22 being part of trying to gather data ourselves

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1 on part of the board unless the Work Group  
2 wants that, but my suggestion would be no, we  
3 have a passive role.

4 MEMBER BEACH: Well, can we  
5 evaluate the questions that are asked at the  
6 end of the workshop? Would that be something  
7 we could do then?

8 DR. MAURO: I would argue that  
9 yes, we certainly should do that, but only at  
10 the meeting when we regroup here. In other  
11 words, you know, one of our roles would be  
12 let's say, as Larry just pointed out, there  
13 may be a lot of give and take and seeking  
14 information from the participants on the  
15 effectiveness of the meeting, and that  
16 information is going to be acquired and we  
17 should be there taking notes, listening to  
18 what people say, but I don't think we should  
19 become part of that. I think then we later  
20 during the post-meeting activities when the  
21 SC&A and the Work Group reconvene in some  
22 capacity, it's at that time that we feedback

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1 our information, rather than becoming active  
2 participants in these meetings unless for some  
3 reason Work Group members or Larry and the  
4 folks want to elicit anything from SC&A during  
5 the meeting. I would assume that that would  
6 be unusual, but certainly I mean if such an  
7 event occurs where a question may be asked of  
8 the Work Group representatives related to some  
9 matter in real time during the meeting, well  
10 fine. But other than that I think the ground  
11 rules at least for now should be a passive  
12 role.

13 MEMBER BEACH: I agree.

14 MEMBER MUNN: I would strongly  
15 suggest that we follow Josie's suggestion. As  
16 a matter of fact, it never occurred to me that  
17 we would expect our contractor to take an  
18 active role in these meetings unless they were  
19 specifically directed to do so by the Board.  
20 Au contraire.

21 MS. ROBERTSON-DEMERS: This is  
22 Kathy. One of the things that I did after

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1 observing the workshop was to walk through the  
2 evaluation criteria and what I found is that  
3 some of the questions I needed to go back to  
4 NIOSH to get clarification, and some of the  
5 questions I couldn't answer merely by  
6 observation.

7 MEMBER MUNN: We wouldn't  
8 anticipate that anyone would be able to answer  
9 all the questions. All the questions should  
10 not be applicable to any given meeting or to  
11 any given process. What this document is that  
12 we're supposedly working on now is a broad  
13 scope document which would cover, we would  
14 hope, almost any conceivable type of outreach  
15 that we might be involved in. A specific  
16 meeting in itself should -- cannot possibly be  
17 viewed in the context of every single one of  
18 the aspects that we're attempting to cover  
19 here I shouldn't think.

20 MS. ROBERTSON-DEMERS: I realize  
21 that, but there are some items that are  
22 applicable to this type of meeting that you

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1 just need to be aware you may not be able to  
2 answer that question by observation.

3 DR. MAKHIJANI: Well, I think what  
4 John and Kathy are saying are two different  
5 things. One is we have ground rules for  
6 participating as observers as the charter that  
7 was given to us by the working group. And so  
8 it's changed. I think that's what it should  
9 be. This is NIOSH's show and ATL's show and  
10 we should observe that. And there's a report-  
11 back process that you know the Work Group can  
12 set up if you want verbal reports, if you want  
13 written reports. I think what Kathy is saying  
14 which I would support, we discussed and the  
15 context in which sending the question came up  
16 is if we want to know what the participants  
17 got out of it, it may be necessary to call up  
18 a couple of them and say okay, you know, you  
19 heard about dose reconstruction, do you  
20 understand more now than before, do you know -  
21 - are you stuck on something, are you able to  
22 help advocate better to have our own

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1 evaluation at the Work Group as to whether the  
2 process is working. But that's clearly a  
3 post-meeting function.

4 DR. MAURO: Arjun, this is John.  
5 I would argue strongly that certainly that is  
6 a matter of great interest, but that's  
7 something that is within the purview of NIOSH  
8 whereby -- and OCAS, whereby they would be the  
9 ones on the front lines who would be very  
10 interested in finding that out, and so  
11 something that we -- now if that's not done,  
12 we as assistants to the Work Group might want  
13 to discuss this matter at one of our meetings  
14 saying that we noticed that there really was  
15 no effort made to do X, Y and Z. We might  
16 want to suggest you want to consider that, but  
17 we don't do that. I don't see it, at least at  
18 this stage in the development of the program  
19 that we would go in and start to perform our  
20 own surveys of the effectiveness of the  
21 program. I think surveys of the effectiveness  
22 of the program in whatever form it takes is

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1 certainly and entirely within the purview of  
2 OCAS.

3 DR. MAKHIJANI: You're not  
4 understanding. We're developing -- maybe I  
5 didn't say what I meant to say. We've got all  
6 of these exhortations, evaluate this, examine  
7 that, review the other as part of the  
8 procedure the Work Group is setting up for  
9 itself. And in the course of doing that --  
10 NIOSH of course, we know NIOSH and ATL are  
11 doing evaluations of the workshop. They hand  
12 out an evaluation form and workers fill them  
13 out and they give us copies of the form and  
14 they do their own evaluation, but if the Work  
15 Group wants to do this and sees a function for  
16 SC&A, then it may be necessary to contact some  
17 participants within the restrictions of NIOSH  
18 and the law and so on. Someone actually  
19 brought this up with Larry informally and  
20 that's how this whole thing came up is because  
21 I was concerned that we shouldn't be sending  
22 out interview questionnaires without informing

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1 NIOSH as to what the proper procedure should  
2 be.

3 DR. MAURO: I understand what  
4 you're saying, Arjun. Well, this is certainly  
5 a very, very important question that needs to  
6 be discussed by the Work Group, that is, the  
7 degree to which the Work Group and its  
8 contractor should independently evaluate and  
9 test the waters on effectiveness. I have to  
10 say in my mind that was not at least initially  
11 going to be something that we would be doing.

12 But if that's something -- in other words, in  
13 the process of assessing, my mind was  
14 assessing was more in the passive role as  
15 opposed to an active role.

16 MR. KATZ: Just my thoughts on  
17 this. I mean I -- I think you would want --  
18 in an evaluation you would want to start by  
19 looking at the data that's available. So I  
20 mean, if you go through the data that's  
21 available through the evaluations that OCAS  
22 does itself pertinent to a question, an

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1 evaluation question, and that data is  
2 sufficient, then certainly you don't need to -  
3 - there's no point in duplicating OCAS  
4 efforts. If you go through the data that's  
5 available and you find that it's not  
6 sufficient for you to answer the question,  
7 then you have to think about collecting data.

8 MR. ELLIOTT: Or you can make that  
9 as a comment.

10 MR. KATZ: What have you, either  
11 way. But I mean, it really is -- you can only  
12 make decisions about this as you get to the  
13 point where you find you don't have sufficient  
14 information.

15 MR. ELLIOTT: I think there's a  
16 lot of churning here, but I'm not sure to what  
17 degree of benefit the churning is going to  
18 result in. You have to recognize that,  
19 whether it's a workshop or it's an SEC town  
20 hall meeting, and quite frankly some of the  
21 meetings that we hold we don't have an  
22 evaluation tool at the end of the meeting. We

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1 have never seen the need to have one. Maybe  
2 that's a fault, maybe that's misplaced, I  
3 don't know. Maybe that's a finding you all  
4 could come in and talk to us about. But these  
5 people that we invite to a workshop, that we  
6 invite to a focus group to talk about a site  
7 profile or to -- five workers around a table  
8 to talk to us about an SEC petition and  
9 elaborate on what the work practices and work  
10 experience was like, you know, I'm not sure  
11 that in every instance we know what those  
12 people's motivations are, what they hope to  
13 get out of it, what they expect to get out of  
14 it, whether it's a workshop or they understand  
15 they're being asked to participate to help us  
16 better understand their working conditions.  
17 You know, so I just want to lay that out  
18 there. I don't think you can go into this  
19 with a mind set that if you ask three or four  
20 people from the workshop last week whether or  
21 not they understood dose reconstruction better  
22 or they got what they thought they needed to

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1 get out of it if that's going to be very  
2 telling.

3 DR. MAKHIJANI: That can be a very  
4 good point. I think some of this comes, in my  
5 mind at least, from a prior review we did of  
6 CGR 97 which is now being replaced. And at  
7 that time we were reviewing only the  
8 information that NIOSH was getting from  
9 workers, and how NIOSH was documenting and  
10 using that. And in that context I think this  
11 particular thing is much more important.  
12 Because I agree, I mean, when you do workshops  
13 for 25 people let alone a town hall meeting  
14 with 50 or 100, what people get out of it is  
15 going to vary a great deal. And yes, so the  
16 Work Group needs to consider, you know,  
17 exactly you know, how information-giving  
18 workshops -- I think it's much more important  
19 to follow the trail in information-getting  
20 workshops where NIOSH is soliciting input to  
21 TBDs or SECs or developing its own matrix and  
22 so on, whether that was thorough and what

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1 happened to that information.

2 CHAIRMAN GIBSON: I tell you what.

3 Why don't we take a 10-minute break and when  
4 we come back just try to focus back on the  
5 written words and make sure that everything is  
6 covered.

7 DR. MAKHIJANI: Yes, I think we  
8 lost the trail somewhere off the written thing  
9 here. I lost the trail. We were --

10 MR. KATZ: Let me just check  
11 before I put the phone on mute whether Terrie  
12 has joined us? Terrie?

13 MS. BARRIE: Yes, Terrie's here.

14 MR. KATZ: Okay, great.

15 MS. BARRIE: Yes, I don't know  
16 what the problem was. And I had to hang up  
17 and then call back in. Then I got immediate  
18 busy signal, but then I redialed and I'm back  
19 on.

20 MR. KATZ: Oh good, okay. Well  
21 I'm sorry you had trouble.

22 MS. BARRIE: Okay, thanks.

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1                   (Whereupon,     the     above-entitled  
2     matter went off the record at 11:04 a.m. and  
3     resumed at 11:18 a.m.)

4                   MR. KATZ:     Okay.     We're getting  
5     restarted.     Folks, do we have you on the  
6     phone, Wanda?

7                   MEMBER MUNN:   Yes, you do.

8                   MR. KATZ:     Great.

9                   CHAIRMAN GIBSON:   Okay, so we  
10    looked at Evaluation Objective Number 1. Are  
11    we satisfied with it? Anymore discussion we  
12    need on it?

13                  DR. MAKHIJANI:   Should I just read  
14    back what I wrote in place of workers in  
15    response to what Larry was saying?

16                  CHAIRMAN GIBSON:   Yes.

17                  DR.        MAKHIJANI:                "Examine  
18    procedures   and   processes   by   which   OCAS  
19    solicits the involvement of workers, claimants  
20    and their representatives by reviewing the  
21    following."   So instead of -- in place of  
22    "worker" was the involvement of workers,

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1 claimants and their representatives. Because  
2 Wanda thought that was too broad. Those are  
3 the words somebody said.

4 MR. KATZ: I did.

5 MEMBER MUNN: Yes, I think that's  
6 what we agreed to earlier.

7 DR. MAKHIJANI: Okay, fine.

8 CHAIRMAN GIBSON: Okay. Are we  
9 ready to move on to Evaluation Objective  
10 Number 2?

11 MEMBER MUNN: We didn't finish,  
12 did we, with -- once we had gotten through  
13 that first set of bullets we didn't cover the  
14 "Examine several examples," did we?

15 MEMBER BEACH: Not really.

16 MEMBER MUNN: I didn't think we  
17 did. Those, from my perspective appear to be  
18 the correct questions. It isn't clear to me  
19 whether we anticipate in each case that we as  
20 a Work Group are going to do this examination,  
21 or whether we're anticipating that our  
22 contractor will essentially do most of this

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1 and report to us. But in either case, in that  
2 second bullet under "Examine several examples"  
3 we have the question "Did OCAS make an  
4 appropriately extensive effort to obtain  
5 elicit," my suggestion would be to eliminate  
6 the word "obtain" there because whether or not  
7 one makes an effort to obtain something is  
8 different than whether one makes an effort to  
9 elicit it. It is probably wise for us to  
10 remember that one can only elicit  
11 participation and information. One can't  
12 really force that participation or obtain it  
13 in any way other than through eliciting it.  
14 So my suggestion would be to eliminate the  
15 word "elicit" there. In either case, if we  
16 retain it then it needs to be "obtain and/or  
17 elicit" whichever. One of those two words  
18 needs to go.

19 MR. KATZ: My English sense is I  
20 would dump "elicit" but the emphasis is on the  
21 effort, not on you know obviously you make the  
22 effort, but what you get in response is

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1 another question. But anyway, I don't --  
2 either one will work. But I agree, both  
3 aren't needed.

4 CHAIRMAN GIBSON: Okay. What do  
5 you want to keep Bill, any?

6 MEMBER BEACH: I don't care. I  
7 already marked off "obtain" so I don't care  
8 either way. Whatever's best.

9 MR. KATZ: Sounds good.

10 CHAIRMAN GIBSON: Let's just leave  
11 it as "elicit" for now. When we get all our  
12 different versions in we may change it to  
13 "obtain." Okay, any other concerns under the  
14 last three bullets Wanda or Josie?

15 MEMBER MUNN: No, none at all. I  
16 still do have a concern though over whether we  
17 are setting these requirements or proposed  
18 requirements for ourselves, or whether we're  
19 setting them out for our contractor. But  
20 that's not -- this may not be the time to  
21 discuss that. Just something to keep in mind  
22 I think as we're going through these

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1 questions.

2 CHAIRMAN GIBSON: Okay. Okay.  
3 Evaluation Objective Number 2, obtaining and  
4 documenting input from workers.

5 MEMBER MUNN: Now, that's --  
6 there's a question. Are we appropriately  
7 couching our objectives as questions? Should  
8 we not be couching our objectives as  
9 statements? We have the same problem of  
10 course, the same question, the same issue with  
11 each of the objectives. Number 1 is also  
12 couched as a question.

13 MEMBER BEACH: Yes, I think they  
14 should be statements myself, not questions.

15 MEMBER MUNN: Objective Number 1  
16 perhaps, determine whether OCAS is taking  
17 appropriate measures, et cetera. And in  
18 Number 2 it would be determine whether OCAS is  
19 obtaining and documenting input from workers.

20 MR. ELLIOTT: I suggest that you  
21 can drop it three letters up. I think it's  
22 OCAS and contractors. We don't have some

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1 contractors.

2 MR. KATZ: And is this, well, is  
3 this all procedures or are there actually  
4 processes that -- are there processes that  
5 aren't proceduralized as well? Okay, so we  
6 probably need to make that change too here.  
7 Well, it's just you're going to be looking at  
8 processes and procedures, rather than just  
9 procedures because I gather there will be  
10 processes that aren't documented in a formal  
11 procedure.

12 DR. MAKHIJANI: I have a question  
13 about these three bullets. The way they are  
14 written right now doesn't fully correspond to  
15 the objective. Because all the questions  
16 relate to whether OCAS has a procedure to do  
17 this or that, it doesn't actually --

18 MS. ROBERTSON-DEMERS: The  
19 original intention was to assess the program  
20 against the procedure.

21 DR. MAKHIJANI: Yes, but it  
22 doesn't actually say that we're going to

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1 assess the program, or you know, is OCAS  
2 adequately documenting worker -- you know, how  
3 is OCAS -- if you follow the first set you  
4 would say how is OCAS documenting the input  
5 and is it following the procedure. So I  
6 presume the existence of a procedure, and Ted  
7 was saying it may be more of that.

8 MS. ROBERTSON-DEMERS: Well and  
9 that's -- originally it was targeted at the  
10 procedure. Now we just change the words. So  
11 now -- now we need to modify it because the  
12 questions were directed at the procedure.

13 DR. MAKHIJANI: Okay.

14 MEMBER BEACH: Well, we didn't  
15 take out procedures, we just added "and  
16 processes" right?

17 DR. MAKHIJANI: And my question  
18 was to the three bullets under that. They  
19 seem to not correspond to the breadth of the  
20 objective, that in the objective we say we  
21 want to determine whether OCAS is obtaining  
22 and documenting, and so you want bullets that

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1 will go to how we're going to do that, the  
2 questions that relate to that. Like the first  
3 question might be how does OCAS document the  
4 input that it gets from workers, whatever. I  
5 mean, I'm just raising the question. Those  
6 bullets seem very narrow.

7 CHAIRMAN GIBSON: Did you have any  
8 suggestions for language?

9 MS. ROBERTSON-DEMERS: You can say  
10 processes or procedures and then take out --  
11 you can put in "processes and procedures" and  
12 then take out "as defined in the OCAS-012."

13 MEMBER BEACH: So we're not really  
14 asking if they have a procedure because they  
15 do, 012 is the procedure, correct? So are  
16 they effectively gathering information based  
17 on that procedure and their processes?

18 DR. MAKHIJANI: I would --

19 MS. ROBERTSON-DEMERS: We just  
20 changed the intent of the first statement by  
21 adding "processes." Now we have to modify the  
22 bullets underneath to reflect that

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1 modification.

2 DR. MAKHIJANI: What I might  
3 suggest for the first one would be "How does  
4 OCAS document worker input from information-  
5 gathering meetings."

6 MEMBER MUNN: Yes.

7 MR. KATZ: Yes. I think maybe  
8 some of Arjun's discomfort or mine is at least  
9 that what he's saying has some resonance is  
10 the way these are stated right now it's as if,  
11 if you answer these three questions you've  
12 covered the topic and these are very -- some  
13 of them, like particularly the third bullet is  
14 a very narrow sort of question that you can  
15 ask. So I sort of agree with the direction  
16 Arjun's going in and just broadening this so  
17 that it's -- I don't think -- my guess is that  
18 people don't have all the questions at this  
19 point right now at the table that you'd want  
20 to ask. But if you have a very broad question  
21 like Arjun suggested or several broad  
22 questions, then you sort of fill in the

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1 details as you go along, but we don't have  
2 those questions right now at the table.

3 CHAIRMAN GIBSON: And that's  
4 something --

5 DR. MAURO: This is John. I might  
6 be repeating what I heard. I wasn't able to  
7 hear everyone clearly, but there seems to be a  
8 disconnect between the statement of Objective  
9 2 which is a very broad statement: is OCAS  
10 obtaining and documenting input? Well, the  
11 three bullets really don't go that broadly.  
12 They go only, well, they only talk about the  
13 procedures. Perhaps the problem is the  
14 definition of the objective. It could be  
15 broadened to include, you know, the degree to  
16 which there are procedures and second, the  
17 degree to which those procedures are  
18 effective.

19 MR. KATZ: I mean John, the thing  
20 that you're missing is that there's sort of a  
21 set of looking at procedures and processes.

22 DR. MAURO: Yes.

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1                   MR. KATZ:   And then there's a set  
2   of questions that -- actually them in  
3   progress, the effectiveness of them in  
4   practice. So it is covered, but the first set  
5   is sort of looking at, well, first you look at  
6   the processes and procedures and then you look  
7   at how effective are they in practice.

8                   DR. MAURO:   Okay.

9                   MR. KATZ:   So it gets to --

10                  DR. MAURO:   It gets there. You're  
11   saying that it's structured that way, so it's  
12   a two-tier process that does both.

13                  MR. KATZ:   Yes. Right.

14                  DR. MAURO:   As long as everyone is  
15   comfortable with that, I'm fine.

16                  MR. KATZ:        Because you would  
17   probably want to know the processes and  
18   procedures, understand them well before you  
19   start evaluating how well they're working.

20                  DR. MAURO:   And I agree, I agree.  
21   I just looked at the first three bullets as  
22   being the heart of the matter and those three

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1 bullets didn't seem to get to the heart of the  
2 matter.

3 MR. KATZ: Right. But all I was  
4 saying here about these first three bullets is  
5 I think they're a narrow construction and  
6 you'd want it more open-ended so that more  
7 detailed evaluation questions could be asked  
8 once more is understood about these processes  
9 and procedures.

10 MEMBER MUNN: This starts getting  
11 much broader in the bullets in the second part  
12 of that.

13 DR. MAKHIJANI: Because the review  
14 of the procedures is in the preamble to these  
15 questions. Before you get into the  
16 effectiveness you're actually saying yes,  
17 okay, we reviewed PR-012. Now we're going to  
18 look at is it working.

19 DR. MAURO: Yes, right.

20 DR. MAKHIJANI: So then in that  
21 light it changes all the questions.

22 MR. KATZ: So Arjun, do you want

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1 to sort of?

2 DR. MAKHIJANI: So, the suggested  
3 wording for the first question to follow on  
4 this line of thinking would be how does OCAS  
5 document worker input from information-  
6 gathering meetings and the second one would be  
7 is the procedure that OCAS has for documenting  
8 site expert interviews effective.

9 MEMBER MUNN: Yes.

10 DR. MAKHIJANI: And I think the  
11 third question would then be -- or maybe it  
12 can be left.

13 MR. KATZ: The third bullet, you  
14 mean?

15 DR. MAKHIJANI: Yes, the third  
16 bullet.

17 MR. KATZ: To me that's just a  
18 detailed question, but there could be any  
19 number of detailed questions. It makes it --  
20 it's sort of strange just to have that one  
21 there.

22 DR. MAKHIJANI: Yes.

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1                   MR. KATZ:    Is there a reason that  
2                   one's there, Kathy?

3                   MS. ROBERTSON-DEMERS:   Well, there  
4                   was the outreach meeting, there's the site  
5                   expert interviews and then there is the other  
6                   venue type items.

7                   DR. MAKHIJANI:     Oh, I see what  
8                   you're getting at.    There are issues that  
9                   occur at other venues that could be useful to  
10                  NIOSH in their own work, like what we were  
11                  just talking about and what Larry was  
12                  mentioning happens in information-gathering  
13                  meetings and so on.   Is that what the part  
14                  was?   Because I'm not clear.

15                  MS. ROBERTSON-DEMERS:   Yes, and I  
16                  think Wanda coined the term "reoccurring" in  
17                  the last meeting.

18                  DR. MAKHIJANI:     Yes.

19                  MR. KATZ:     I'm not quibbling at  
20                  all.   I think the issue of reoccurring issues  
21                  is a good one.   I'm just saying that that's  
22                  one narrow question among probably many that

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1 you can ask once you look at the processes and  
2 procedures. So you may want to retain that  
3 somewhere as a possible detail, but it's more  
4 an "e.g." than really sort of filling out the  
5 scope of these questions about processes and  
6 procedures.

7 MS. ROBERTSON-DEMERS: Well, it  
8 goes back to the paragraph under Other  
9 Outreach Venues on Page 2, and all we're  
10 trying to say is, is there a procedure or  
11 process in place to document what you get out  
12 of these.

13 MR. KATZ: Okay. That's not what  
14 this says though.

15 MS. ROBERTSON-DEMERS: I know.

16 DR. MAKHIJANI: It's a detail of  
17 the first bullet, really. Because the first  
18 bullet is very broad as written now, how does  
19 OCAS document. So before I think it was  
20 probably necessary for it to be called out  
21 because you had this specific thing in mind.  
22 Now we're saying okay, they've got procedures,

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1 we're going to review them and then we're  
2 going to evaluate how does OCAS document  
3 worker input from information-gathering  
4 meetings. And nothing prevents the Work Group  
5 from evaluating whether recurring issues are  
6 documented or whether something -- the workers  
7 at any particular meeting wasn't followed up  
8 on even though it was kind of very important  
9 for a TBD.

10 MS. ROBERTSON-DEMERS: Then we  
11 need to drop the word "meetings" from the  
12 first bullet because some of these things are  
13 not meetings.

14 DR. MAKHIJANI: Information-  
15 gathering meetings or other venues?

16 MEMBER MUNN: Or other various --  
17 "other" probably would be simpler. What I  
18 have reworded here is "Does OCAS have a method  
19 for noting reoccurring issues associated with  
20 worker communication from other venues?"

21 MR. KATZ: Okay. So Arjun has  
22 rewritten the first bullet here, "How does

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1 OCAS document worker input from information-  
2 gathering meetings" and other venues probably,  
3 right? Or in other venues? So that covers  
4 the scope. And then the Bullet 3 is really a  
5 detail under that, but there are many details  
6 that are unspecified so I would just leave it  
7 out.

8 DR. MAKHIJANI: So is that the  
9 third bullet?

10 MR. KATZ: Well it's up to the  
11 Work Group, but if it was up to me I'd change  
12 it.

13 MEMBER MUNN: I'm sorry Ted, I  
14 didn't get your recommendation. What were you  
15 thinking?

16 MR. KATZ: So I was recommending  
17 that you just drop the third bullet entirely  
18 because it's a detail under the first bullet  
19 of which there would be many details.

20 MEMBER MUNN: But the issue of  
21 recurring concerns though is probably the  
22 outstanding detail, and I think Kathy is

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1 probably correct in segregating it into an  
2 elevated position of noting on its own.  
3 There's -- as a Board we've even attempted to  
4 set up what we've called overarching issues,  
5 the things that go from one site to another or  
6 from one group to another. And this is -- if  
7 we're looking at communications with workers  
8 at outreach and we're saying that if OCAS  
9 documents all of this appropriately that these  
10 issues will crop out, I'm not at all sure that  
11 that's exactly what we should be attempting to  
12 convey. In my mind what we should be  
13 attempting to convey for this question is  
14 whether a method exists for noting that those  
15 issues reoccur. I don't know that there is  
16 such a method and it's an open question I  
17 think for all of us.

18 MS. ROBERTSON-DEMERS: Well, for  
19 identifying.

20 MEMBER MUNN: Well, I had  
21 "noting," but "identifying." Identifying it  
22 is different than documenting it necessarily.

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1 It's important --

2 MS. ROBERTSON-DEMERS: Well, it  
3 could be identifying and documenting.

4 MEMBER MUNN: Yes. The  
5 documenting makes it possible for us to  
6 identify that it's been done, but it's more  
7 important firstly on a purely operational  
8 point of view that it be noted, that the  
9 gathering agency is aware that these issues  
10 are recurring. But it's a difficult question.

11 MR. KATZ: So Wanda, if you want  
12 to not lose it and you want to put it in there  
13 as an "e.g." under the first bullet, all I'm  
14 saying is it is properly sort of a sub-  
15 component of that first bullet in my view.  
16 But if you want to call it out as its own  
17 bullet you can, it's just -- it's sort of a,  
18 you know, you're just sort of having apples  
19 and oranges as bullets then in terms of levels  
20 of evaluations. Because it's a sub-element of  
21 the first bullet.

22 MEMBER MUNN: I understand. I

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1 understand what you're saying.

2 MR. KATZ: But you can do it any  
3 way you want.

4 CHAIRMAN GIBSON: I agree with  
5 Wanda. I mean, the Board as a whole has  
6 looked hard at all kinds of areas where  
7 there's been repeated occurrences of  
8 something, whether it's in a dose  
9 reconstruction, whether it's in everything  
10 else. So I'd feel better leaving it as a  
11 separate issue. You know, that's just  
12 something we'd want to stay away from is  
13 reoccurring issues. So it's a subset, but I  
14 think it's worth calling out separately.  
15 Josie, Bill?

16 MEMBER SCHOFIELD: I think yes,  
17 it's something that certain items are going to  
18 come up over and over and over. Are these  
19 being identified and addressed?

20 MEMBER BEACH: I'm okay either  
21 way. I already scratched it off and added it  
22 to the first, but if you'd rather have it as a

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1 bullet I'm okay with that too. Either way.

2 MEMBER MUNN: The wording that I  
3 used was, "Does OCAS have a method for noting  
4 reoccurring issues associated with worker  
5 communication from other venues?"

6 MS. ROBERTSON-DEMERS: Can you  
7 slow down?

8 MEMBER BEACH: Can you say that  
9 one more time, Wanda?

10 MEMBER MUNN: Yes. "Does OCAS  
11 have a method for noting reoccurring issues  
12 associated with worker communication from  
13 other venues?"

14 CHAIRMAN GIBSON: And I don't know  
15 that I'd leave "other" in there. I mean,  
16 we're going to go back to look at all of it  
17 for reoccurring issues, not just the other.

18 DR. MAKHIJANI: Various venues  
19 including CATI and so on? Otherwise it's just  
20 --

21 CHAIRMAN GIBSON: It's all forms  
22 of worker communication. I mean, it's --

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1                   MEMBER MUNN:       "Various" is fine  
2       with me.

3                   DR. MAKHIJANI:       Various venues,  
4       e.g. You want to leave the "e.g." in?

5                   MEMBER MUNN:       That's probably  
6       simpler than "including."

7                   CHAIRMAN GIBSON:     Do we really to  
8       leave the examples in there? That's taking --  
9       it's like we're only looking for reoccurring  
10      issues in other forms of communication.

11                  MEMBER MUNN:       It doesn't seem  
12      necessary to me, but it's a preference. From  
13      the point of view the question stands alone  
14      without that.

15                  DR. MAKHIJANI:       What is your  
16      pleasure?

17                  MR. KATZ:     No "e.g.s."

18                  DR. MAKHIJANI:     No "e.g.s."

19                  CHAIRMAN GIBSON:     Okay, anything  
20      else on the first of what was three sets of  
21      bullets? I believe this would be four, right?

22                  MEMBER BEACH:       We didn't do

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1 anything with the second bullet, did we?

2 DR. MAKHIJANI: Yes, we did.

3 MEMBER BEACH: We did, okay.

4 DR. MAKHIJANI: We changed the  
5 second bullet to "Is the procedure that OCAS  
6 has for documenting site expert interviews  
7 effective?"

8 MEMBER BEACH: Thank you.

9 DR. MAKHIJANI: Because the review  
10 of the procedure is already up before the  
11 bullets. That's what I thought Ted's  
12 suggestion was. Because that's what I have.

13 CHAIRMAN GIBSON: Okay.

14 MEMBER MUNN: And then we get down  
15 to reviewing the sampling.

16 DR. MAKHIJANI: Do you like that  
17 second bullet or do you want to change it?

18 MR. KATZ: Well, let me just ask a  
19 question about it because we're done with  
20 processes and procedures. Now we're down to a  
21 question about one procedure and once you get  
22 below those little paragraphs to the separate

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1 set of bullets, they're all about looking at  
2 effectiveness. So I wonder if this isn't just  
3 sort of a preface for this whole next section,  
4 or maybe it's already covered by "review a  
5 sampling of interviews and meetings," et  
6 cetera.

7 DR. MAKHIJANI: Well, that's just  
8 a sampling.

9 MR. KATZ: No, but you're looking  
10 at a sample to see whether the processes and  
11 procedures are effective, right? That's the  
12 purpose of all the bullets that come after, I  
13 think.

14 CHAIRMAN GIBSON: So what you're  
15 suggesting, Ted, is that the bullets under the  
16 paragraph that starts with, "Review" --

17 MR. KATZ: Are all approaches at  
18 looking at the effectiveness of --

19 CHAIRMAN GIBSON: Including site  
20 experts.

21 MR. KATZ: -- processes and  
22 procedures, yes.

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1 DR. MAKHIJANI: Oh yes, because it  
2 says that actually.

3 MR. KATZ: It's sort of redundant  
4 to have it when it doesn't really belong up  
5 here is all I'm saying.

6 MEMBER BEACH: That probably just  
7 needed to be a paragraph up there. Not  
8 necessarily questions, but.

9 MR. KATZ: So that would leave  
10 just two bullets above the line, above, and  
11 then you get into effectiveness.

12 DR. MAKHIJANI: Yes, because it  
13 does say that.

14 MEMBER MUNN: We're taking out  
15 Bullet 2.

16 MR. KATZ: So yes, taking out  
17 Bullet 2 from.

18 MEMBER MUNN: Okay.

19 MR. KATZ: And then you walk right  
20 into effectiveness questions.

21 CHAIRMAN GIBSON: Okay, is  
22 everyone good with that?

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1                   MEMBER MUNN:  No, I have a problem  
2                   with how one even goes about answering the  
3                   first question.           What information was  
4                   obtained.  You're going to have an awful lot  
5                   of data if you're going to answer that  
6                   question very thoroughly.

7                   MEMBER BEACH:       Well, let's --  
8                   Wanda, before you get there, is that first  
9                   sentence, "Reviewing a sampling of interviews  
10                  and meetings where the above-referenced  
11                  procedures were implemented by OCAS and its  
12                  contractor to determine whether the procedures  
13                  were followed and effective in practice."  Is  
14                  that okay the way it's written?

15                  MEMBER MUNN:     I don't see any  
16                  problem with that.

17                  MR. KATZ:       Well Wanda, I agree.  
18                  What information was obtained is not an  
19                  evaluation question.

20                  MEMBER MUNN:     No.  What you want  
21                  to know is was the desired information  
22                  obtained.

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1 MR. KATZ: Right, exactly.

2 CHAIRMAN GIBSON: Just one second.

3 Back to what Josie was talking about. In  
4 that lead-in sentence there we just referenced  
5 procedures. We need to add the processes.

6 MR. KATZ: Yes, processes and  
7 procedures.

8 MEMBER BEACH: In both. There's  
9 two places where it says "procedures" in that  
10 sentence.

11 DR. MAKHIJANI: Maybe "they" were  
12 followed? Repeating it?

13 MEMBER MUNN: And then the first  
14 bullet becomes "was the desired information  
15 obtained."

16 DR. MAKHIJANI: Larry's not here.

17 MEMBER BEACH: No, he stepped out.

18 DR. MAKHIJANI: Is there -- in  
19 these sessions, does NIOSH have a kind of a  
20 specified target just in types of information  
21 its seeking or is it open-ended? I'm not  
22 clear.

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1 MR. JOHNSON: You're talking about  
2 the meetings?

3 DR. MAKHIJANI: Yes.

4 MR. JOHNSON: Sure. Typically in  
5 some of the information-gathering we have  
6 questions. We put the focus on those  
7 questions in information-gathering.

8 DR. MAKHIJANI: So then  
9 appropriate questions.

10 MEMBER MUNN: Are we talking about  
11 giving as well? If so, then the question  
12 needs to be "obtained or disseminated."

13 MR. KATZ: No, no. I think this  
14 whole --

15 MEMBER MUNN: This is only  
16 obtained. Okay.

17 MR. KATZ: Right. This is --

18 MEMBER MUNN: Just checking.

19 MR. KATZ: Yes.

20 MEMBER MUNN: In Item 2, would it  
21 be how is it documented, or is it simply was  
22 it documented.

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1                   MR. KATZ:     You can actually lap  
2     Bullet 1 and 2 together because the only way  
3     you're going to ascertain if it's obtained is  
4     if it's documented somewhere anyway.

5                   MEMBER MUNN:    If it's documented,  
6     yes.

7                   MR.     KATZ:            Obtained     and  
8     documented.    And then it doesn't really matter  
9     where.   That's something you'll get to.

10                  MEMBER MUNN:    Right.

11                  MEMBER BEACH:     Some of those  
12     meetings are very broad and some of them are  
13     very specific in nature.   Would that first  
14     question kind of capture that, or?

15                  MEMBER MUNN:    I think so because  
16     it would matter what the focus of the meeting  
17     was.   What was the desired information.

18                  MEMBER BEACH:    Then that's the way  
19     we needed to ask that question.

20                  CHAIRMAN GIBSON:   So it should  
21     read something like,   "Was the desired  
22     information obtained and documented."

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1 MEMBER BEACH: Correct.

2 DR. MAKHIJANI: And then delete  
3 the second bullet?

4 MR. KATZ: Yes.

5 DR. MAKHIJANI: I'm puzzled by  
6 this --

7 MEMBER BEACH: Third question?

8 DR. MAKHIJANI: Yes.

9 MEMBER MUNN: That one needs work.

10 MS. ROBERTSON-DEMERS: Can I give  
11 you kind of a concrete example?

12 MEMBER MUNN: Yes.

13 MS. ROBERTSON-DEMERS: Okay. We  
14 went or we attended the Weldon Spring worker  
15 outreach meeting which was designed to present  
16 the site profile and solicit comments. So  
17 when we're -- one of the things that we still  
18 have to do for that evaluation is to wait till  
19 the meeting has come out and evaluate the  
20 meeting minutes compared to what was captured  
21 in the meeting, what was said in the meeting.

22 DR. MAKHIJANI: Okay. Because

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1 this question doesn't say that.

2 MR. KATZ: You could just say what  
3 the information recorded by NIOSH accurately  
4 and completely, or something along those  
5 lines.

6 DR. MAKHIJANI: Yes.

7 MEMBER MUNN: Was the  
8 documentation of the meeting complete and  
9 reflective of what the presenters said.

10 MEMBER BEACH: So it's not NIOSH  
11 actually, or is it?

12 MR. KATZ: Well, OCAS.

13 MEMBER BEACH: Right, sorry.

14 MEMBER MUNN: Documentation  
15 regardless of who it is. Was the  
16 documentation of participants' comments  
17 reflective --

18 MR. KATZ: Accurate and complete.

19 MEMBER MUNN: Yes. Correct.

20 DR. MAKHIJANI: Okay. Was the  
21 documentation of participants' comments made  
22 at the meeting accurate and complete.

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1 MR. KATZ: Is.

2 DR. MAKHIJANI: Sorry?

3 MR. KATZ: Well we can say is, is  
4 the documentation.

5 MEMBER BEACH: Arjun, can you  
6 repeat that please?

7 DR. MAKHIJANI: Is the  
8 documentation of participants' comments made  
9 at the meeting accurate and complete? That's  
10 it.

11 MEMBER MUNN: And do we want to  
12 actually say "made at the meeting" or --

13 DR. MAKHIJANI: We can delete  
14 that.

15 MEMBER MUNN: I would delete that  
16 because we want the comments where they're  
17 written and spoken or whatever.

18 MR. KATZ: That's true too.

19 DR. MAKHIJANI: Okay.

20 MEMBER BEACH: Anything on the  
21 fourth bullet?

22 MS. ROBERTSON-DEMERS: You

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1 understand what it's asking?

2 CHAIRMAN GIBSON: Go ahead and  
3 explain it.

4 MS. ROBERTSON-DEMERS: Okay. What  
5 we're saying is that there's a process where  
6 meeting minutes are sent out to the  
7 participants and they're allowed to comment.  
8 And the question is whether everyone at that  
9 meeting is allowed that opportunity.

10 MEMBER BEACH: That's not really  
11 what it says though.

12 MEMBER MUNN: Yes, my question is  
13 that the process? Do we in fact send copies  
14 of meeting minutes to everyone who attended or  
15 who signed up?

16 MS. ROBERTSON-DEMERS: Well, I  
17 believe in the past NIOSH has sent the primary  
18 union contract, but they'll have to elaborate  
19 on that.

20 MR. MCDUGALL: Yes. Usually if  
21 it's at an organization we send it to the  
22 leader of that organization and they get to

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1 dispose of the comments or the minutes as they  
2 please. They can share it with everybody,  
3 they can comment themselves.

4 MEMBER MUNN: We do post them,  
5 don't we?

6 MS. ROBERTSON-DEMERS: This is  
7 before they get posted. This is kind of a  
8 review to make sure that NIOSH captured the  
9 comments from the workers adequately from  
10 their perspective, from the workers'  
11 perspective.

12 MEMBER MUNN: If we want this to  
13 be a question of how this is done prior to the  
14 public dissemination we probably ought to say  
15 that.

16 DR. MAKHIJANI: On the draft  
17 minutes or something.

18 MEMBER MUNN: Yes.

19 DR. MAKHIJANI: Not the record of  
20 the meeting, but a draft.

21 MEMBER BEACH: So, "Did all  
22 participants have the opportunity to review

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1 and comment on the draft meeting minutes." Is  
2 that what we're looking for?

3 MS. ROBERTSON-DEMERS: Yes.

4 DR. MAKHIJANI: Then we are  
5 including meeting minutes.

6 MEMBER BEACH: Yes.

7 DR. MAKHIJANI: So this could  
8 include the union contact actually. It  
9 wouldn't have to be you contacting everyone,  
10 but the union contact.

11 MR. MCDOUGALL: If they choose.  
12 Understand, we don't collect contact  
13 information on everybody who's in the meeting.

14 MEMBER MUNN: Yes.

15 DR. MAKHIJANI: Oh, I see.

16 MR. KATZ: Can I make a  
17 distinction here, maybe it'll be helpful? I  
18 mean, the way this is stated, sort of the  
19 assumption implicit in this question is that  
20 the ideal is that all participants would have  
21 an opportunity to review and comment on the  
22 capture of information. So that's sort of the

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1 ideal that's implicit in this evaluation  
2 question. You know, and then, depending on  
3 what OCAS processes are, you may find they're  
4 whatever distance from that ideal. But if the  
5 Work Group feels that that's the ideal, that  
6 every participant has an opportunity to do it,  
7 to in other words see what a draft of what was  
8 captured from that meeting and have a chance  
9 to comment on it, then that is sort of your --  
10 that's your measure, that's your ideal and  
11 then you go and you look and you see what  
12 procedures were used to get their feedback on  
13 what you captured and how close it is to that  
14 ideal. If you don't think that's necessary as  
15 the ideal then you change your evaluation  
16 framework.

17 MEMBER MUNN: It may be the  
18 philosophical ideal, but it may not be a  
19 realistic ideal. They're very different to an  
20 extreme. This type of objective could lead us  
21 to a kind of Wikipedia dilemma with respect to  
22 what was said as opposed to what was meant.

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1 This is a tough one.

2 DR. MAKHIJANI: Well, there's a  
3 prior question. I mean, if NIOSH is not  
4 collecting the information on the participant  
5 then this is moot. And so it may be -- I  
6 mean, I'm a little puzzled.

7 CHAIRMAN GIBSON: What if we have  
8 something like "review how the draft comments  
9 are disseminated," whatever, and then if we  
10 see we don't like the process then we can make  
11 a recommendation to that effect.

12 MR. KATZ: I mean, the "how" comes  
13 up above under process. But I mean, a way you  
14 could make this sort of a more one-size-fits-  
15 all question is you could say, instead of this  
16 very specific sort of ideal that you have here  
17 to fit all situations, you might say, "Did  
18 OCAS take appropriate steps to obtain  
19 participant comments on the minutes?" And  
20 then in a situation where OCAS only has a  
21 contact for the union, you know, the leaders  
22 of this meeting, but they don't have the

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1 individual contact information it probably is  
2 appropriate, I'm not going to judge that, but  
3 I mean, to go to those contacts and ask them  
4 to do the job. In a case where OCAS has a  
5 workshop where it has invited all the  
6 individuals who have the contacts you might  
7 think it's appropriate for them to go back to  
8 all those individuals specifically. So it  
9 would sort of fit all the different  
10 possibilities for these various meetings.  
11 Does that make sense?

12 MEMBER MUNN: Then is the  
13 appropriate question whether the draft of  
14 meeting minutes is made available for  
15 participants to comment?

16 MS. ROBERTSON-DEMERS: Yes.

17 MEMBER MUNN: That's the real  
18 question, isn't it?

19 MS. ROBERTSON-DEMERS: Going back  
20 to something, now I remember why we put the  
21 record of the meeting, because not all worker  
22 outreach meetings have meeting minutes. In

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1 the case of your site expert interviews it's  
2 going to be a different type of product.

3 MEMBER MUNN: Yes, but in a  
4 realistic sense unless you have only invited  
5 participants there's no way that you can  
6 assure that all participants have a draft in  
7 their hands, and in many especially town hall  
8 meetings one can't force participants to note  
9 their presence and their contact information.

10 I shouldn't say many, but some don't want to  
11 do that. So making it available for people  
12 who want to is probably the criterion we're  
13 searching for. It is in my mind, but I don't  
14 know whether it is in the rest of the Work  
15 Group's mind.

16 DR. MAKHIJANI: Well you know,  
17 part of the problem I think has arisen from  
18 how we do our reviews because we always just -  
19 - sorry. This is my perspective, it may not  
20 be Kathy's perspective. We generally do not  
21 interview more than three or four people at a  
22 time because we have this list of questions

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1 and NIOSH does a lot of different type of  
2 meetings to obtain info. And you've got these  
3 open meetings with 50 people you'll actually  
4 never finalize minutes you know, when you have  
5 a lot of people to go back to. So I think  
6 there may be different appropriate steps for  
7 different types of meetings and that might be  
8 something that we could flesh out when you  
9 evaluate those different types of meetings as  
10 to what's appropriate and what's not  
11 appropriate. Maybe -- I'm just thinking out  
12 loud. I may be off base here.

13 MEMBER MUNN: Then would the  
14 question be -- and I'm typing as I'm thinking  
15 here -- would the question be, "Are the draft  
16 of meeting minutes available for appropriate  
17 participant review?"

18 MS. ROBERTSON-DEMERS: Wanda,  
19 that's why I'm trying to get away from the  
20 meeting minutes because that's what I was  
21 trying to say that's why we use the record of  
22 the meeting because there may not be meeting

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1 minutes. It may be documented communications  
2 in the case of site expert interviews.

3 MEMBER MUNN: Well, but would --  
4 we can't really use record instead of minutes.

5 DR. MAKHIJANI: Draft record?

6 MEMBER MUNN: The draft of the  
7 meeting record?

8 DR. MAKHIJANI: That sounds good.

9 MS. ROBERTSON-DEMERS: I think  
10 we're on the same page.

11 MEMBER SCHOFIELD: I think that's  
12 the only logical way we can go on some of  
13 these because I've been in meetings where  
14 Larry came down to New Mexico and presented  
15 this information. We had maybe a hundred  
16 people in that room. There's no way you can  
17 know everybody in there and every word that  
18 was said so you kind of have to distill it  
19 down to what the general record of the meeting  
20 was and I don't think you can get actual  
21 meeting minutes out of something like that.

22 MEMBER MUNN: No, I don't think

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1 you can. The question then becomes is the  
2 draft of the meeting record available for  
3 appropriate participant review. Does that get  
4 to where we're going?

5 MS. ROBERTSON-DEMERS: Yes.

6 MR. KATZ: Yes.

7 CHAIRMAN GIBSON: I think we're  
8 all in agreement on the issue so once we put  
9 that to words.

10 DR. MAKHIJANI: Okay.

11 MEMBER MUNN: Then the next  
12 question, the next bullet then would change  
13 "minutes" to "record," all right? And would  
14 be all right as is.

15 DR. MAKHIJANI: Yes. Just "draft  
16 meeting record."

17 CHAIRMAN GIBSON: Okay, so that  
18 was pretty easy. Everyone's agreeing with  
19 that, correct? Okay. "Were comments  
20 incorporated into meeting minutes?"

21 MEMBER MUNN: "Meeting document"  
22 or "record" whichever. "Were comments

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1 incorporated into the final meeting document"  
2 or "record" whichever you prefer.

3 CHAIRMAN GIBSON: Okay. "Were  
4 finalized meeting minutes made available to  
5 participants requesting copies in a timely  
6 manner?"

7 MEMBER MUNN: "Was the finalized  
8 meeting document made available in a timely  
9 manner to participants requesting it?"

10 MR. KATZ: Let's use "record" just  
11 to be consistent.

12 MEMBER MUNN: Okay. "Made  
13 available in a timely manner," move that up.

14 DR. MAKHIJANI: "In a timely  
15 manner" comes after "available."

16 CHAIRMAN GIBSON: We're good with  
17 that one. Okay. Let's see if we can go ahead  
18 and try to finish up Evaluation 3 before we  
19 take lunch if possible, unless we get into  
20 some long, drawn-out discussion on one of  
21 these bullets. Evaluate the conduct of  
22 outreach meetings. First bullet. Required

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1 instructor statements made at the beginning of  
2 the meeting.

3 MR. KATZ: I think this probably  
4 needs some sort of re-framing. I'm not sure  
5 what the required introductory statements are.

6 I see the "e.g." there but I mean, I think  
7 this is a more general question with respect  
8 to was appropriate sort of introduction given  
9 on the purposes of the meeting and what have  
10 you.

11 CHAIRMAN GIBSON: Is there any  
12 reason why it was worded this way originally?

13 MS. ROBERTSON-DEMERS: The "e.g."  
14 was just an example. There are other things  
15 that have to be covered at the beginning of a  
16 meeting, so it's not just to classify  
17 information. Some IOs are outlined in the  
18 procedure.

19 MEMBER MUNN: Well then,  
20 introductory statements at the beginning of  
21 meetings vary widely. What's the type of  
22 meeting? "Were appropriate introductory

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1 statements made at the beginning of the  
2 meeting" probably would be adequate.

3 MS. ROBERTSON-DEMERS: There's  
4 some generic statements which should be made,  
5 like about the intent of the audiotape, the  
6 fact that if you're in a non-secured facility  
7 you can't disclose classified information, the  
8 discussions of how the Privacy Act will  
9 influence the meeting minutes.

10 MEMBER BEACH: So can you just ask  
11 the question what introductory statements were  
12 made at the beginning of the meeting and then  
13 leave it up to the auditor to put down what  
14 was said? Otherwise you're going to have to  
15 have examples.

16 MR. KATZ: Yes, I just -- what  
17 Wanda is saying, "Were appropriate  
18 introductory statements made at the beginning  
19 of the meeting," would cover Kathy's examples.

20 Some of those may be mandatory, but there may  
21 be other appropriate introductory statements  
22 that also needed to be said depending on the

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1 nature of the meeting, and some of the  
2 required sort of what Kathy's laid out as  
3 required statements may not be required in  
4 every kind of venue. So if you lay it out  
5 here just generally the question -- I mean,  
6 then when you actually are doing your  
7 evaluation you can dig into what the  
8 particulars are that are relevant for that  
9 scenario.

10 MEMBER MUNN: For example, a  
11 meeting of survivors of Blockson workers would  
12 be quite different than a meeting of retired  
13 Savannah River workers, entirely different  
14 setup.

15 CHAIRMAN GIBSON: Let's just take  
16 the first bullet and say "Were appropriate  
17 introductory statements made at the beginning  
18 of the meeting" period.

19 MEMBER MUNN: Yes. Question mark  
20 is better.

21 DR. MAKHIJANI: Okay. I had  
22 something longer, but we could do that.

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1                   CHAIRMAN GIBSON:     I think that  
2     leaves it open to what we need to do, what we  
3     want to do.    Did the participants feel that  
4     the meeting achieved the stated purpose?

5                   MEMBER MUNN:    And I don't think we  
6     can identify what anybody feels.   We could be  
7     able to ask did the participants indicate that  
8     the meeting achieved its stated purpose.   If  
9     they did not indicate it, then we have no way  
10    of evaluating what they felt.

11                  CHAIRMAN GIBSON:   Is everyone good  
12    with that?

13                  MEMBER BEACH:     Are we going to  
14    change it or strike it?   Because I guess I'm  
15    wondering how we're going -- are we going to  
16    ask the participants?

17                  MEMBER MUNN:     Well, certainly in  
18    open meetings, most of the worker meetings  
19    that I've been to, the questions are usually  
20    asked at the tail end.   This would be a good  
21    question I think for Laurie.   She does these  
22    things all the time and it's my observation

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1 that she has lots of verbal feedback over  
2 whether or not the people got the information  
3 that they thought they got, or whether the  
4 meeting was what they wanted it to be, whether  
5 they wanted some other kind of meeting other  
6 than the one they got. Laurie, are you there?

7 She's gone.

8 DR. MAKHIJANI: You know, if I  
9 might comment on this bullet. It seems to be  
10 more appropriate for a giving information  
11 meeting, where this objective is for getting  
12 information. So a participant won't be able  
13 to -- it's for NIOSH has an objective going  
14 into it of getting information meeting. And  
15 so it really -- did NIOSH get the information  
16 it was seeking is sort of -- and I think we  
17 covered that, I'm not sure.

18 MR. KATZ: If you go to Bullet 4,  
19 Bullet 4 is "Were participants allowed  
20 adequate time to provide comments?" I mean,  
21 you could broaden that a little bit maybe as  
22 to whether the circumstances, not just time,

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1 may not be the only factor for whether they  
2 were able to give their input. But that's  
3 really the question there I think, right? So  
4 we could probably strike the second bullet and  
5 maybe somehow amend the fourth bullet and you  
6 would be getting the question that you're  
7 asking.

8 MEMBER MUNN: And use  
9 "opportunity" rather than "time."

10 DR. MAURO: This is John. I  
11 believe one of the dilemmas we run into as  
12 we're reading these is that some of these  
13 questions are raised as if these were  
14 questions that the Work Group would like to  
15 ask and find out more about, and they  
16 shouldn't be crafted in that form. If you're  
17 interested in the subject, that is if we want  
18 feedback that the participants didn't feel  
19 that the meeting achieved its stated purpose,  
20 this has to be one of the I guess parts of  
21 NIOSH's procedures. That is, basically  
22 embedded in their procedure would be a query

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1 regarding at the end of the meeting posing  
2 that question so that on the record as part of  
3 the questions posed by NIOSH regarding the  
4 effectiveness of the meeting the participants  
5 have an opportunity to put that material on  
6 the record, and that's the material that's  
7 important to get on the record and then of  
8 course later on we all can sit around and  
9 discuss the record to -- and decide for  
10 ourselves whether we feel the record reveals  
11 to us that the participants felt this way or  
12 that way. So I think we have, you know, I  
13 guess this goes toward crafting the question  
14 in a way that we have to be sure that NIOSH in  
15 fact raises these issues during the course of  
16 the meeting so that we can create a record  
17 regarding material that we're interested in.

18 MR. KATZ: So John, the question  
19 that's been re-framed with Wanda and all, was,  
20 so "Were participants" the fourth bullet now  
21 would read "Were participants allowed adequate  
22 opportunity to provide comments" or their

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1 input, comments. Then when you want to go  
2 about evaluating that, if OCAS has a procedure  
3 for getting that kind of feedback at the end  
4 of the meeting that'll be one of your sources.

5 DR. MAURO: Yes. We're on the  
6 same page.

7 MS. ROBERTSON-DEMERS: Can I  
8 propose a modification to the second bullet?  
9 Did the meeting achieve its stated purpose,  
10 period.

11 DR. MAURO: I don't agree that  
12 that statement should be here. I think what  
13 Ted said earlier go towards the NIOSH create  
14 the opportunity to put material on the record  
15 that will later allow us to make some  
16 judgments related to this matter. The way  
17 it's worded now it's almost as if it's a  
18 question that the Work Group is going to  
19 directly ask the participants and we're not  
20 going to do that.

21 DR. MAKHIJANI: Actually, in the  
22 information-gathering meeting we have what

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1 Kathy was saying in the prior set of bullets  
2 was the desired information obtained and  
3 documented. Essentially it says, you know,  
4 there's a purpose to the meeting. Was the  
5 purpose achieved?

6 MS. ROBERTSON-DEMERS: Yes.

7 DR. MAKHIJANI: And that directly  
8 goes to an information-gathering approach.

9 MS. ROBERTSON-DEMERS: Well, it  
10 goes to all meetings because what we've heard  
11 in the past NIOSH say that, you know, there is  
12 a purpose to each meeting. That's why they're  
13 a little bit different. And the question is  
14 was that purpose met. And it's not just  
15 information-giving or gathering, all of them.

16 DR. MAKHIJANI: Well, maybe that's  
17 in a separate place because this whole  
18 objective is about information-gathering.  
19 That's why I'm a little confused.

20 MS. ROBERTSON-DEMERS: Well, this  
21 particular area is about the content of the  
22 meeting.

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1 DR. MAKHIJANI: Yes, but an  
2 information-gathering meeting. This whole  
3 Objective Number 2 is information-gathering.

4 MS. ROBERTSON-DEMERS: Well, the  
5 way it's set up is you've got before the  
6 meeting, during the meeting, after the meeting  
7 and then information-gathering.

8 MEMBER MUNN: And our overall  
9 objective here is whether OCAS is obtaining  
10 and documenting input from workers. So.

11 MEMBER BEACH: I think we need to  
12 be very clear on what we're doing in each one  
13 of our evaluation bullets so that it's  
14 understood completely. So this one should be  
15 gathering and if we need to capture that in  
16 another bullet I think we should make sure we  
17 capture it. That's just my thought.  
18 Otherwise this is going to be so confusing.

19 DR. MAKHIJANI: You know Kathy, I  
20 think what you're talking about maybe we  
21 should revisit under Objective 4.

22 MEMBER BEACH: I agree.

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1 DR. MAKHIJANI: If I am not  
2 misremembering. I'm not sure.

3 MEMBER MUNN: It would appear to  
4 fit somewhere else better than here.

5 MS. ROBERTSON-DEMERS: What I'm  
6 trying to explain is that the way that these  
7 are laid out is the actions before the  
8 meeting, the actions during the meeting, the  
9 actions after the meeting, and then  
10 information-gathering.

11 DR. MAKHIJANI: But that's not how  
12 the objectives read currently because  
13 Evaluation Objective 2 says "Determine whether  
14 OCAS is obtaining and documenting input from  
15 workers." And so this is just -- the way it  
16 reads, I don't know how it should be or what  
17 the intent was. The way it reads right now is  
18 it's just this objective is about gathering.

19 MS. ROBERTSON-DEMERS: It's not  
20 intended to be just about gathering.

21 CHAIRMAN GIBSON: Well, what's  
22 intended?

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1 MS. ROBERTSON-DEMERS: It's  
2 intended to be about the conduct of the  
3 meeting. What happens during the meeting? Is  
4 there a procedure for the meeting? Is the  
5 documentation captured? Were the comments?  
6 How did they conduct the meeting?

7 DR. MAURO: You see, to me the  
8 problem has to do with the definition of  
9 Objective 2. It's very simple, you know. Is  
10 OCAS obtaining and documenting input from  
11 workers? It doesn't say are the workers happy  
12 with the way the meeting went. You know, even  
13 though all the bullets are -- a lot of the  
14 bullets go toward issues like that, but that's  
15 not what this is trying to do. I mean, I  
16 think we've got a little bit of a problem and  
17 that is we define an objective, but then when  
18 we go with the bullets it opens up on us into  
19 areas that go beyond the scope of the  
20 definition of the objective, and that's fine.  
21 Then we can do one of two things, narrow down  
22 the bullets beneath it or expand the

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1 definition of the objective. But right now I  
2 see an incongruity between the statement of  
3 the objective, Number 2 in this case, and the  
4 long list of things that we - questions that  
5 we're hoping to answer under Objective 2. So  
6 I'm very conscious of these kinds of  
7 structural things. I feel that there's a  
8 breakdown in parallel structure, at least in  
9 this case.

10 MS. ROBERTSON-DEMERS: Can I just  
11 - do any of you have PR-012 with you?

12 MEMBER BEACH: I do.

13 MS. ROBERTSON-DEMERS: Okay. Can  
14 you turn to Page 17? I'll pass this around.  
15 Maybe this is a better way to think about what  
16 I'm trying to say. They go through in their  
17 procedure and define pre-meeting activities,  
18 meeting activities and post-meeting  
19 activities.

20 MEMBER BEACH: Maybe it's a good  
21 time for a break and we can make a copy of  
22 this for everybody.

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1                   CHAIRMAN GIBSON: Well, we'll have  
2 to decide. We've got quite a bit to do here  
3 and 2 o'clock is worker comments. That's  
4 going to stay on track so if we're going to  
5 get out of here, you know, we might have to  
6 delay talking about this program  
7 evaluation/communication specialist to another  
8 meeting. So if you want to make some copies  
9 we can go ahead and take lunch now and when we  
10 come back try to stay as honed in as possible  
11 so we can get through this and have some time  
12 to talk about this communication specialist.

13                   DR. MAKHIJANI: Just as a comment,  
14 I have no opinion about how, you know, one way  
15 or another, just from a documentation point of  
16 view. Everything that is now under Objective  
17 2 is structured to an information-gathering  
18 meeting. So if we revisit that to what Kathy  
19 is saying with the original intent then we  
20 change Objective 2 and restructure everything  
21 under it. Because not necessarily -- we'll  
22 have to change Objective 2 and add things to

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1 it that would make it appropriate to that  
2 objective.

3 MEMBER MUNN: My preference is not  
4 to change Objective 2, but to -- and to not  
5 lose this thought, but to place the thought in  
6 a different spot even though it was originated  
7 by the structure to which Kathy refers when  
8 she was putting this together.

9 DR. MAKHIJANI: But maybe conduct  
10 of meeting.

11 MEMBER MUNN: Yes, the conduct of  
12 meeting from my perspective does not include  
13 evaluation of what the participants' reaction  
14 was. It's the conduct of the meeting itself.  
15 Did the agency that was performing the  
16 meeting, regardless of who they were, perform  
17 that meeting in the proper way. The results  
18 of that meeting are another set of issues to  
19 be addressed with other and what came out of  
20 the meeting, questions. And as far as lunch  
21 is concerned, Wanda always votes for lunch.

22 MR. KATZ: So, are we going to

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1 abandon the effort on these bullets, the set  
2 of bullets before we wrap it up?

3 CHAIRMAN GIBSON: Yes, let's do  
4 that and just kind of maybe think about it a  
5 little bit at lunch. But you know, unless I'm  
6 strongly overruled we're not going to change  
7 the structure of this. We might move some  
8 bullets around, but we're going to get through  
9 it, get a rough draft out and then if we just  
10 don't like the whole product that's another  
11 day.

12 MR. KATZ: I think it's actually  
13 going okay.

14 DR. MAKHIJANI: I agree.

15 CHAIRMAN GIBSON: It's a lot more  
16 to do.

17 MR. KATZ: Five minutes for lunch  
18 Wanda.

19 MEMBER MUNN: How about an hour  
20 and five minutes for lunch.

21 MR. KATZ: So it is now 12:25.  
22 You want an hour?

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1 CHAIRMAN GIBSON: I'd like 45, but  
2 it's probably more likely going to be an hour.

3 MR. KATZ: Okay. So 1:30  
4 reconvening Eastern time. Is that good for  
5 everyone on the phone?

6 MEMBER MUNN: Thank you. Bye.

7 MR. KATZ: Thanks, bye.

8 (Whereupon, the above-entitled  
9 matter went off the record at 12:27 p.m. and  
10 resumed at 1:33 p.m.)

11 MR. KATZ: Hello, this is Ted  
12 Katz, Advisory Board on Radiation Worker  
13 Health, Worker Outreach Work Group. I'm the  
14 DFO and we're reconvening after a lunch break  
15 and we are still on the agenda item of  
16 reviewing the evaluation plan charge and the  
17 evaluation plan for the Work Group. And we  
18 broke off mid-sentence almost.

19 CHAIRMAN GIBSON: Mid-sentence.  
20 We're under "Evaluate the conduct of outreach  
21 meetings" and we were discussing the bullets  
22 underneath that. I think that perhaps Arjun

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1 and Kathy discussed a little bit during lunch.

2 Do you want to go ahead?

3 DR. MAKHIJANI: Yes, I emailed  
4 this to Mike and Josie and Phil, and I think  
5 Wanda, Josie's emailing you the --

6 MEMBER BEACH: It's already -- it  
7 should be to her.

8 MR. KATZ: It may take a moment,  
9 Wanda, for it to actually arrive in your  
10 inbox.

11 DR. MAKHIJANI: So let me just  
12 read through what Kathy wrote at lunch break.  
13 We are at the place that says "Evaluate the  
14 conduct of outreach meetings" under Objective  
15 2, the second set of bullets. And the first  
16 question that Kathy wrote was "Were the proper  
17 participants included in meetings where  
18 information-gathering is the stated goal of  
19 the meeting?" Do you want me to run through  
20 all of these? "Are presentations developed at  
21 the appropriate level for the participants at  
22 the meeting? Are sign-in sheets utilized for

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1 outreach meetings so that the attendees can be  
2 contacted if needed with follow-up information  
3 or questions? Was the meeting held in an  
4 adequate facility such that individuals were  
5 not limited from providing substantive input  
6 based on security restrictions applicable to  
7 NNSA sites in some cases? Are appropriate  
8 introductory statements made at the beginning  
9 of the meeting? Are questions appropriate to  
10 solicit the desired information? Is adequate  
11 time allotted for presentation and participant  
12 comments? Is technical staff present at  
13 information outreach meetings where  
14 appropriate?" So that can -- I think some of  
15 these are already there in the section we're  
16 talking about, but others are not.

17 MR. KATZ: So should we just go  
18 through these?

19 DR. MAKHIJANI: Yes. So we had  
20 "Were appropriate introductory statements made  
21 at the beginning of the meeting?" We already  
22 have that one. So that one I think is a

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1 duplicate. Then the second one we already  
2 have is "Was the meeting approach open enough  
3 to enable workers to provide input to the  
4 extent that they wanted?" We haven't  
5 discussed that before lunch. And there's a  
6 corresponding question I think that Kathy  
7 wrote.

8 MS. ROBERTSON-DEMERS: I did it  
9 from scratch, so the intent was almost to  
10 replace what was there.

11 MR. KATZ: What we had there  
12 before lunch that Wanda had revised, "Were  
13 participants allowed adequate opportunity to  
14 provide comments?"

15 DR. MAKHIJANI: Sorry, I did not  
16 get that.

17 MR. KATZ: And I think that covers  
18 the question.

19 DR. MAKHIJANI: To provide  
20 comment.

21 MS. ROBERTSON-DEMERS: And that  
22 was the one where I added "adequate time for

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1 presentations" to it. I just added the  
2 presentation part.

3 MR. KATZ: The front end part,  
4 what's presented. Okay, that's a separate  
5 question, the presentations.

6 DR. MAKHIJANI: Was there adequate  
7 time for presentations?

8 MR. KATZ: But that's by -- you  
9 mean OCAS?

10 MS. ROBERTSON-DEMERS: By OCAS.

11 DR. MAKHIJANI: Then there's "Were  
12 proper participants included in meetings where  
13 information-gathering is the stated goal of  
14 the meeting?"

15 MR. KATZ: My question about that  
16 is it seems like we already addressed that  
17 question about identifying appropriate  
18 participants under Objective 1.

19 MS. ROBERTSON-DEMERS: We don't  
20 need it.

21 MEMBER BEACH: Which one are we  
22 not needing?

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1 DR. MAKHIJANI: "Were the proper  
2 participants included in meetings?" Because  
3 we already covered that. Then, "Was the  
4 meeting held in an adequate facility such that  
5 individuals were not limited from providing  
6 substantive input based on security  
7 restrictions applicable to NNSA sites?" So  
8 that's already --

9 MEMBER BEACH: That's covered on  
10 the next page, last bullet in that section.

11 DR. MAKHIJANI: Yes, so I'm  
12 reading the bullets we already have, not the  
13 bullets that Kathy sent, some of which she  
14 seemed to have a fantastic ability to  
15 reproduce and have a very clear vision.

16 MR. KATZ: I just wonder if you  
17 want to generalize that thought, which I think  
18 is a good one, but I mean the question is are  
19 provisions available, you know, as  
20 appropriate. It's not necessarily true that  
21 you'll always need to hold a meeting with that  
22 kind of -- with those facilities, resources.

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1 Larry can speak to it --

2 MR. ELLIOTT: I don't understand  
3 the question and the need for the question  
4 because we would not hold a meeting, any of  
5 our meetings are held with the intent that  
6 we're not having classified discussions. If  
7 we need to have a discussion of classified  
8 information, then that is scheduled with that  
9 individual separately and properly, the  
10 cleared folks are there and the secured  
11 setting is identified, and we do so under some  
12 control from DOE because they have to review  
13 what is produced as a product from that  
14 interaction before it can be released for  
15 public display or public consumption. So none  
16 of our outreach meetings go to this, you know.  
17 If we hear something that is raised in a  
18 board meeting in public comment, or we hear  
19 something that's raised in one of our  
20 interactions with workers, we use our own  
21 judgment as to how to intervene. At some  
22 times our judgment says don't do anything,

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1 leave it alone, don't say anything, don't  
2 continue -- you know, if the discussion stops,  
3 that's good. If the discussion continues and  
4 these things continue to be brought up, then  
5 we need to have some kind of intervention  
6 where we stop that discussion and we would  
7 schedule a separate secure meeting for that.

8 MS. ROBERTSON-DEMERS: So what  
9 you're saying is you're replacing in that  
10 situation worker outreach with site expert  
11 interviews?

12 MR. ELLIOTT: If we have a need to  
13 interview a site expert and we feel that  
14 that's going to take us into a situation where  
15 sensitive information is going to be  
16 discussed, we would do so in a secure setting  
17 with the properly cleared people available for  
18 it.

19 MS. ROBERTSON-DEMERS: And I guess  
20 there are certain requirements that are being  
21 put on us by DOE at least with our site expert  
22 interviews that if we come to a site like

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1 Pantex, even if we tell them not to tell us  
2 classified information, they're still  
3 requiring that we do it onsite in a secure  
4 location. And I'm just a little confused  
5 about how this might differ from that.

6 MR. KATZ: Well I was just  
7 suggesting, and I think Larry sort of fleshed  
8 it out for us, that you want a more  
9 generalized question, but that are provisions  
10 being made as appropriate to handle classified  
11 information, something along those lines,  
12 because that's what you're trying to get at,  
13 not imply that it generally is needed.

14 MR. ELLIOTT: Right. I agree with  
15 that.

16 MR. KATZ: When the situation  
17 arises.

18 MEMBER MUNN: And we are not  
19 including in our definition of "further  
20 outreach" the other kinds of activities that  
21 we require from our contractor in their other  
22 duties. I'm a little concerned about how this

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1 particular issue will be likely to arise in a  
2 worker outreach meeting, unless as was  
3 mentioned earlier it might be possible that --  
4 although seemingly unlikely to me -- that a  
5 worker would begin to move into potentially  
6 classified material in public discussion. Is  
7 it just -- am I the only person who's confused  
8 about this delineation between what we are  
9 calling worker outreach and what we are  
10 calling required interviews and activities by  
11 our contractor in other regards?

12 MS. ROBERTSON-DEMERS: Well, this  
13 is a matter of what's in the Security Plan and  
14 how things are changing as far as basically  
15 activities with workers at certain sites. And  
16 all I'm saying is at a site like Pantex we  
17 were not given -- DOE wants us to do it onsite  
18 just in case something comes out.

19 DR. MAKHIJANI: Well, it may be a  
20 prior question here, does this procedure cover  
21 NIOSH site experts or not, and are we  
22 reviewing that -- because that's a kind of a

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1 worker outreach or site expert outreach. SC&A  
2 doesn't distinguish between those two things  
3 in our interviews. We kind of almost use the  
4 terms interchangeably, although site expert is  
5 broader than worker -- or interview workers  
6 sort of for the purpose of eliciting  
7 information. I mean, our goals are very  
8 narrow as compared to NIOSH. NIOSH has a  
9 broader, more complicated set of  
10 responsibilities.

11 MEMBER MUNN: That's exactly what  
12 I was asking, Arjun. What I hear you saying  
13 is that from your perspective our worker  
14 interview is a worker interview, whether it is  
15 in the process of identifying specific  
16 information for a TBD or whether it is in  
17 reference to a claim. And I guess that's what  
18 I'm asking of the rest of the Work Group. Is  
19 that your definition of worker outreach?

20 DR. MAKHIJANI: That's not what I  
21 meant, Wanda. So just, I might have not made  
22 myself clear, but that's not what I meant. In

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1 any case, it's not for me to say.

2 CHAIRMAN GIBSON: Is there any  
3 instances that we know of where workers or  
4 claimants have been stymied in their efforts  
5 to talk about stuff classified? I mean, has  
6 there ever been a time where a classified  
7 setting was not provided to them when  
8 necessary?

9 MEMBER SCHOFIELD: I can think of  
10 many occasions and many people that even  
11 include my career, there are certain areas I  
12 would not go into unless I was in a secured  
13 facility with the proper people. I mean,  
14 because you can cross that line real easy  
15 depending on what your background is.

16 MEMBER MUNN: But is this -- I'm  
17 not concerned about whether or not secure  
18 areas are necessary for certain types of  
19 interviews, my concern is specifically that we  
20 define very clearly the difference between  
21 worker outreach and worker interviews that are  
22 used for other purposes. Whether it is a

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1 worker interview that is used for the purpose  
2 of producing an evaluation report, or a  
3 technical basis document in my mind is not  
4 worker outreach and that's what I'm trying to  
5 clarify here when we start talking about these  
6 secure facilities and who we are interviewing  
7 and for what.

8 MR. ELLIOTT: I think we would say  
9 that is outreach in our minds when we want to  
10 seek out certain individuals to gain  
11 information or input on our dose  
12 reconstruction approach for a given site, our  
13 site profile, an evaluation report. We start  
14 from a place that says we don't necessarily  
15 need to have a classified discussion, but we  
16 will arrange and welcome such a conversation  
17 if the interviewee feels it's necessary and  
18 appropriate.

19 MEMBER MUNN: Ah. I had been  
20 under a misapprehension for lo these many  
21 years. There was never any expectation from  
22 me that worker outreach as such included

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1 interviews in establishing base operational  
2 documents.

3 MS. ROBERTSON-DEMERS: Can I  
4 interrupt? This is more of a DOE issue and an  
5 issue where we're putting people in an area  
6 where they're comfortable talking versus out  
7 in the public.

8 MEMBER MUNN: I understand what  
9 you're talking about, Kathy, that's very clear  
10 in my mind. I just obviously had been  
11 confused for many years. I had no idea that  
12 worker outreach included interviewing the site  
13 experts to establish base documents like TBDs.

14 MEMBER SCHOFIELD: There are a  
15 number of people, a number of processes and  
16 stuff that you -- there's kind of a fine line  
17 between what you can discuss out in the open  
18 and where you probably would be better off in  
19 a secure facility with the proper people.  
20 That way if you say something you haven't  
21 crossed over that line, or if you did, you  
22 know. You basically you can work around this,

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1 but given the fact that many people who are  
2 still in the business or who recently retired,  
3 you know, you can cross over that line so fast  
4 when you get into -- and some of this  
5 information is definitely relevant for people  
6 doing dose reconstructions, for understanding  
7 the health physics of an area, you know, and  
8 yet you're right on that border.

9 MEMBER MUNN: Most of the time  
10 it's pretty tough, Phil. Most of us know  
11 what is sensitive information and what isn't.

12 But it's now a non-issue from my point of  
13 view. If all contacts with workers are  
14 considered worker outreach then I've got it.

15 CHAIRMAN GIBSON: Okay. So it  
16 sounds like the general approach is we need to  
17 leave some kind of statement in there. So how  
18 do we want to word this statement?

19 DR. MAKHIJANI: Well, here's what  
20 I wrote Ted as saying. "Are provisions made  
21 that are appropriate for interviews in a  
22 classified setting should the need arise?"

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1 CHAIRMAN GIBSON: Okay, so the  
2 rest of the bullets in this section.

3 DR. MAKHIJANI: There were three  
4 bullets that Kathy added at lunch in the prior  
5 list. "Are presentations developed at the  
6 appropriate level?" You have that, right?  
7 You got that, right, from my email?

8 CHAIRMAN GIBSON: Yes

9 DR. MAKHIJANI: "Are sign-in  
10 sheets utilized and are questions appropriate  
11 to solicit the desired information?" You want  
12 to insert those three in this list?

13 CHAIRMAN GIBSON: That's fine with  
14 me. What's everyone else think?

15 MEMBER BEACH: Fine.

16 CHAIRMAN GIBSON: Add value?  
17 Okay. Put it in there.

18 DR. MAKHIJANI: Okay, we'll put  
19 them at the bottom of the list that we were  
20 just discussing.

21 CHAIRMAN GIBSON: Okay, is there  
22 anything else under that section? If not

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1 we'll move on to evaluate the completeness and  
2 adequacy of the outreach tracking system.  
3 "Does OTS reflect the breadth and depth of the  
4 information provided by workers at the  
5 meetings?" Is everyone okay with that,  
6 understand the meaning? Going once, going  
7 twice, okay. "Did the OTS integrate action  
8 items accepted by OCAS or its contractors  
9 during the course of the meeting?" Any  
10 discussion on that or questions? Okay, what  
11 about the next one? "Were participant  
12 comments provided at information-gathering  
13 meetings included in OTS?" Okay, fourth  
14 bullet. "Is OTS an adequate method for  
15 documenting and tracking worker comments?"  
16 Everyone satisfied with those? Okay.

17 MEMBER MUNN: Will we need to  
18 answer that last bullet more than one time?

19 CHAIRMAN GIBSON: Sorry, what do  
20 you mean Wanda?

21 MEMBER MUNN: Will we need to  
22 answer that last bullet more than one time?

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1                   MEMBER BEACH:       Once OTS has  
2       evaluated it we shouldn't, should we? Once  
3       that's done?

4                   MEMBER MUNN:     And if we're only  
5       going to open -- if we're only going to need  
6       to do it one time, then could it not be  
7       incorporated in the basis of the overriding  
8       question?

9                   CHAIRMAN GIBSON:   Well, once we  
10      evaluate it once it could be that we  
11      periodically go back and just make sure that  
12      it continued to be maintained.

13                  MR. ELLIOTT:     I might offer here  
14      that the different types of meetings that we  
15      would hold may result in different  
16      contributions to the OTS, different things get  
17      put there, so maybe that warrants looking at  
18      those things separately.

19                  MEMBER MUNN:     And does it need to  
20      add for the type of meeting under scrutiny?

21                  DR. MAKHIJANI:   For the various  
22      types of meetings.

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1                   MR. KATZ:  It's not just meetings  
2                   though.  I mean, there's input that comes in  
3                   without meetings.  I think when you actually  
4                   do this evaluation you can go and you can look  
5                   at the many venues by which information comes  
6                   in and examine it against all of those.

7                   CHAIRMAN GIBSON:  So it's probably  
8                   okay like it is.

9                   MS. ROBERTSON-DEMERS:  I had one  
10                  question though.  Are we going to limit it to  
11                  OTS or are we going to do some evaluations of  
12                  how NIOSH has responded to comments in  
13                  historical databases?

14                 MEMBER BEACH:  Well, we said at  
15                  the beginning that we were going to look at  
16                  historical databases, didn't we?

17                 MR. KATZ:  What are historical?  
18                  I'm sorry.

19                 MEMBER BEACH:  WISPR.

20                 MR. KATZ:  How long has WISPR been  
21                  out of --

22                 MEMBER BEACH:  Since about 2006?

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1                   MR. ELLIOTT: I don't know, but we  
2                   don't use it anymore and you can look at it  
3                   all you want if you can look at it. I don't  
4                   know that you can even look at it. I mean, I  
5                   don't think - is WISPR in a platform --

6                   MEMBER BEACH: I looked at it a  
7                   few months ago just because I wanted to see  
8                   the last time you put something in, but it's  
9                   been awhile. And I have never looked at  
10                  TopHat.

11                  MS. ROBERTSON-DEMERS: We need  
12                  printouts available from TopHat.

13                  MEMBER BEACH: But on Page 2 we  
14                  said outreach databases, so if we're not going  
15                  to look at them then we ought to take them out  
16                  of there as well. I mean, we have to decide  
17                  as a Work Group.

18                  MR. KATZ: I would think you'd  
19                  want to know how things are being done now.  
20                  And really historically how things were being  
21                  done three years ago, I'm not sure that that's  
22                  -- in terms of thinking about improving the

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1 program, I don't know that that is the place  
2 to start. I would want to start with current  
3 practice if you want to make comments about  
4 improving.

5 MEMBER BEACH: I think we  
6 definitely want to start with current  
7 practices.

8 CHAIRMAN GIBSON: And it may be  
9 good to go back and take a look at the old one  
10 just to see maybe there was some progress  
11 made, you know, how it's been made. But you  
12 know, reviewing the old databases wouldn't be  
13 one of these ongoing things.

14 MR. KATZ: No. I guess my point  
15 is that, for example, if we're going to go in  
16 and evaluate how good WISPR was, it seems like  
17 that's really an academic point. If they're  
18 using OTS now, then whatever flaws it might  
19 have had, I'm not sure how it matters.

20 MS. ROBERTSON-DEMERS: OTS is not  
21 an all-encompassing database of all of the  
22 comments provided since the beginning of the

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1 program. And we do have an interest in  
2 earlier comments that were provided to NIOSH  
3 and how they ended up influencing the dose  
4 reconstructions and site profiles.

5 DR. MAKHIJANI: Could I ask Larry  
6 a question? Larry, the WISPR/TopHat comments,  
7 are they going to be transitioned into a new  
8 database, or gone, or how does that sort of  
9 historical document weigh currently? See what  
10 I mean?

11 MR. ELLIOTT: Yes, I don't -- J.J.  
12 and Mary help me out here. I don't think we  
13 had a plan to incorporate TopHat and WISPR  
14 into this database.

15 MR. JOHNSON: TopHat is something  
16 that you can't even use. It was started and  
17 it was almost dead before it got going. The  
18 WISPR program is something that you can look  
19 at, but you can't necessarily take the  
20 information and move it into the Outreach  
21 Tracking System. We're going to be looking at  
22 it to see what might be out there, but for any

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1 other purposes other than seeing if we can put  
2 it into OTS I don't know what's there, what  
3 exactly the purpose of looking at it, other  
4 than maybe missing something and that's  
5 something that would be of interest, but not  
6 necessarily --

7 MR. ELLIOTT: TopHat was in a  
8 proprietary software program that we couldn't  
9 transfer or something, is that correct?

10 MR. JOHNSON: It was --

11 MR. ELLIOTT: It was not something  
12 we were asking for as a deliverable from the  
13 original contract.

14 MR. JOHNSON: Right.

15 MR. ELLIOTT: Something they were  
16 ginning up and here again we got into a  
17 situation where a contractor should not be  
18 developing a software program that's used for  
19 the government because, you know, it doesn't  
20 have utility and life expectancy that we need,  
21 nor did we ask for it. And then -- I mean,  
22 you all can look at what you can see there. I

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1 think there are other ways to get at this  
2 question of whether or not we heard input and  
3 we reacted to it. You can go, for example,  
4 you can check out the second or third page in  
5 our Technical Basis Documents at the revision  
6 page, and usually we hope that's where it is  
7 captured that we heard worker input, or we  
8 heard Board commentary, or we heard -- what  
9 forced us to change that particular section of  
10 that document and what was the change. So  
11 there's that avenue that you might use.

12 MR. KATZ: Let me clarify my point  
13 because we're getting into really issues that  
14 are in the next evaluation objective with  
15 respect to this. My point, just to be clear,  
16 is whether OTS is a good method. Again, we're  
17 under Objective 2, the conduct of meetings, et  
18 cetera, and under Objective 2 you're asking  
19 the question is OTS an adequate method that  
20 they're using now to document and track worker  
21 comments. But Kathy raises the point you may  
22 want to know, you know, how comments received

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1 prior to this, how they were addressed.  
2 You're going to get to that under Objective 3,  
3 but the question of whether that previous  
4 tracking method was a good method doesn't  
5 matter really. You need the information from  
6 there, absolutely, to be able to -- but you  
7 don't need the objective, evaluation  
8 objective, because who cares whether the old  
9 method was a good method of tracking. You  
10 just want to know what comments were received  
11 and how were they handled, and those are  
12 addressed then under Evaluation Objective  
13 Number 3.

14 CHAIRMAN GIBSON: And we're not  
15 precluded from going back and looking up that  
16 information.

17 MR. KATZ: No.

18 CHAIRMAN GIBSON: So we're okay.

19 MR. KATZ: All I'm saying is we  
20 don't need to broaden this from is OTS an  
21 adequate method to what about the historical  
22 ones, were they adequate methods. That was my

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1 point.

2 MEMBER MUNN: This entire  
3 discussion emanates from our failure to having  
4 answered one prior basic question at the  
5 outset, and that is once we have done these  
6 evaluations that we are asking ourselves and  
7 our contractors to do, to what end will that  
8 information be used. In other words, why do  
9 we do this in the first place? If the reason  
10 we are doing what we are doing is to provide  
11 assurance to ourselves and to others that this  
12 is being done in the best way we can, then  
13 reviewing a great deal of past material has no  
14 relevance. If there is some other reason  
15 we're doing this, then we need to clarify for  
16 ourselves why we are doing the evaluations  
17 that we are doing.

18 CHAIRMAN GIBSON: Okay. I'm going  
19 to have to suspend this discussion at this  
20 point in the agenda right now. It's time for  
21 the workers, worker advocates and claimants  
22 have time now to make comments to the Work

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1 Group here. So if anyone's on the line and  
2 you'd like to identify yourself to the court  
3 reporter and go ahead and make a comment.

4 MS. BARRIE: This is Terrie Barrie  
5 with ANWAG.

6 CHAIRMAN GIBSON: Hi Terrie, go  
7 ahead.

8 MS. BARRIE: I wasn't able to  
9 listen to the entire call this morning, but I  
10 was very interested in this recent discussion  
11 about the information given prior to the OTS  
12 database. And I am concerned that -- how  
13 these comments, you know, especially for the  
14 Rocky Flats where the public comment period  
15 for those Board meetings -- if NIOSH had  
16 addressed those concerns, I'm thinking in  
17 particular of a physician who had made a  
18 presentation on the IREP model, if that was --  
19 this is just an example -- if that was ever,  
20 if NIOSH ever addressed those concerns to the  
21 physicians that presented. So the information  
22 that is in the WISPR database is important to

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1 a degree if they were not addressed. And I  
2 think that, granted that looking back at the  
3 process is not important, but the information  
4 that is in that database obviously might be.  
5 And I thank you for allowing this time for the  
6 advocates and claimants to make comments.  
7 Thank you.

8 MR. KATZ: Thanks, Terrie. And I  
9 think what we just discussed is we totally  
10 concur with what you just said.

11 MS. BARRIE: Okay, good.

12 CHAIRMAN GIBSON: Okay, any other  
13 workers or advocates, representatives on the  
14 phone? Anyone else that wants to make a  
15 public comment?

16 MS. HAND: Can you hear me? This  
17 is Donna Hand.

18 MR. KATZ: Hello Donna Hand.

19 MS. HAND: Okay. I am a worker  
20 advocate. I'd like to make some comments.  
21 It's that I understand this is supposed to be  
22 like the outreach everything work group, and

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1 is that you know, the meetings and the  
2 transcripts that I am reading of the previous  
3 outreach, there's a lot of contingencies upon  
4 the workers that the information that they're  
5 giving to these people, to NIOSH and OTS  
6 representatives are being ignored. Even with  
7 a follow-up, you know, they're still, the  
8 information is being ignored. And again,  
9 whenever they come into the claimant interview  
10 section on a claim, they again address the  
11 dose reconstruction as evidence that was there  
12 in the Technical Basis Document as well as  
13 what was presented before the Technical Basis  
14 final draft was emitted and is still being  
15 ignored. As to the classified areas, the very  
16 first thing that these people come into from  
17 NIOSH, they say okay workers, tell us what you  
18 did at this facility, but don't tell us  
19 anything classified. Well these people have  
20 already been taught and their subconscious has  
21 been told to them everything you did at this  
22 plant was classified. You cannot tell us

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1 anything. And so therefore they're saying  
2 well, you know, I can't tell you anything you  
3 should know because it's all classified. You  
4 have to address that type of mind set with  
5 these workers, especially the elderly workers  
6 when they have for these years been told and  
7 told again that this was classified  
8 information. Do not even tell your wives. I  
9 address it when I have my meetings is that I  
10 know it's classified, but you had a name for  
11 the project. You know, just tell me basically  
12 what type did you do with that project. Don't  
13 tell me, you know, the circumstances, but what  
14 did you do.

15 Pinellas Plant has classified  
16 product at this time. It was a whole building  
17 and area that is still classified and you just  
18 had a problem with that. However, the dose  
19 reconstruction does not even adhere to that,  
20 that building or that area, to any of the  
21 workers. And they keep on telling you guys,  
22 you know, this is what's happening. And then

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1 the Technical Basis Document for Pinellas  
2 Plant which was done -- a rough draft in 2004,  
3 2005, 2006, two of them, they omitted certain  
4 things and then added on others but yet  
5 completely ignored some of the highly  
6 radioactive substances that were used in that  
7 facility. When you go to your claimant  
8 interviews and they do their interviews they  
9 tell you again this is what we did at Pinellas  
10 Plant, and then you ignore the processes and  
11 the products and the radiation material that  
12 they handled. So something needs to be  
13 addressed to assure these people that when you  
14 do these base reports or you do these  
15 interviews that you did acknowledge that they  
16 mentioned this to them, and why you did or did  
17 not address it into the Technical Basis  
18 Document or into the dose reconstruction for  
19 the people. Because they are very, very  
20 frustrated that what they're telling you guys  
21 you're not listening to. Thank you very much.

22 MR. KATZ: Thank you, Donna.

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1                   CHAIRMAN GIBSON:       Anyone else?  
2   Public comment?           Advocates, workers,  
3   claimants?

4                   MS. BONSIGNORE:       Yes, this is  
5   Antoinette Bonsignore.

6                   CHAIRMAN GIBSON:       Hi Antoinette,  
7   go ahead.

8                   MS. BONSIGNORE:       Hi. I just  
9   wanted to raise an issue and I don't know if  
10  this was discussed earlier in the meeting, but  
11  regarding providing technical assistance to  
12  workers to better understand dose  
13  reconstruction reports with respect to the  
14  fact that since the Department of Labor and  
15  NIOSH do provide assistance to claimants  
16  regarding disputed medical issues -- they  
17  provide medical experts at DOL expense -- that  
18  NIOSH consider providing that type of  
19  assistance in terms of providing an expert  
20  advisor that a claimant can contact and speak  
21  with to better understand the substance of the  
22  dose reconstruction report, particularly when

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1 a claim is being recommended for denial.

2 CHAIRMAN GIBSON: Okay.  
3 Antoinette?

4 MS. BONSIGNORE: Yes.

5 CHAIRMAN GIBSON: Larry Elliott  
6 had to leave the room so I don't know that  
7 NIOSH will have an answer for you today, but  
8 we'll sure take that question down and give it  
9 to them.

10 MS. BONSIGNORE: Okay. Thank you  
11 very much.

12 CHAIRMAN GIBSON: Thanks. Any  
13 other public comments from anyone? Any other  
14 public comments? Okay. Hearing none I think  
15 maybe we'll just go back to our discussion we  
16 were having previously and then within the  
17 next 45 minutes if anyone from the public  
18 comes on the line they can make a comment.  
19 Okay, so you were discussing the need to go  
20 back essentially through some of the older  
21 databases and I think we heard some public  
22 comment as to why there's certain areas that

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1 that would be available. I think this  
2 document leaves us the latitude to do that so  
3 do we need to discuss that any further? If  
4 not we can move on to Evaluation Objective  
5 Number 3, is OCAS giving thorough  
6 consideration to information received from  
7 workers through the worker outreach efforts  
8 appropriating consideration of that material  
9 into its work products as appropriate and  
10 adequately communicating the impact of  
11 substantive comments to workers. Okay, does  
12 anyone want to start this discussion or any  
13 questions about the first bullet?

14 DR. MAKHIJANI: Did you want to  
15 put the question?

16 MEMBER MUNN: I'm sorry, Mark. I  
17 didn't hear you begin your reading of that  
18 evaluation objective. You did change that  
19 into a statement, right? Determine whether  
20 OCAS is giving?

21 CHAIRMAN GIBSON: I had not done  
22 that.

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1                   MEMBER MUNN:     I thought we had  
2                   agreed that we would.

3                   CHAIRMAN GIBSON:    We did, I just  
4                   hadn't done it yet.  Thanks, Wanda.

5                   MEMBER MUNN:     Yes.

6                   CHAIRMAN GIBSON:    Depending on you  
7                   to keep us in line.

8                   MEMBER MUNN:     Just already done it  
9                   myself.  Wanted to make it sure it was on the  
10                  record.

11                  CHAIRMAN GIBSON:    Okay.  How does  
12                  OCAS catalogue and consider worker input for  
13                  inclusion into its technical documents, such  
14                  as the site profiles and SEC evaluation  
15                  reports?  That's pretty straightforward, right  
16                  everyone?     Any questions with that or  
17                  anything?  Okay.  What criteria are used to  
18                  determine whether comments are substantive?

19                  MEMBER MUNN:     That question and  
20                  the following one probably could be combined.  
21                  What criteria is used by whom to determine  
22                  whether comments are substantive.

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1                   MR. KATZ:     I have a couple of  
2                   questions about this.  I mean, whether -- I'm  
3                   not sure whether "substantive," I understand  
4                   what it means to say whether comments are  
5                   substantive.  Are we asking whether the  
6                   criteria used to determine whether the  
7                   comments should result in a change?  Or I'm  
8                   not really understanding what we're meaning by  
9                   "substantive."

10                   MS. ROBERTSON-DEMERS:    It should  
11                   result in an action.  Or a response.

12                   MR. KATZ:     In other words, should  
13                   be evaluated?

14                   MS. ROBERTSON-DEMERS:    Right.

15                   MEMBER BEACH:    So we're asking to  
16                   look at OCAS's criteria of what they're using  
17                   to decide what creates the change or an  
18                   action?

19                   MS. ROBERTSON-DEMERS:    Well, let  
20                   me kind of clarify.  "Substantive" is not my  
21                   word, it's a word that NIOSH has commonly  
22                   used.

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1                   MR. KATZ:     Okay.     But what does  
2     NIOSH mean when it uses it?

3                   MS.     ROBERTSON-DEMERS:         Well,  
4     that's a good question.

5                   MEMBER         MUNN:                   Perhaps  
6     "substantive" means to be expanded upon just  
7     with a couple of explanatory words,  
8     substantive enough to require action.

9                   MS.     ROBERTSON-DEMERS:     I think  
10    we're trying to make that determination of  
11    whether a comment deserves action or not. I  
12    don't know. For example, if someone comes in  
13    and says my Part E claim is not going through  
14    fast enough, that's not appropriate for NIOSH  
15    to respond to. They might forward it to DOL,  
16    but.

17                  MR. KATZ:     Well, just my thoughts  
18    here, but I think the key issue is you want to  
19    know whether -- right, we're trying to get at  
20    whether comments that might have a real impact  
21    on procedures, whether they were duly  
22    considered, right? That's what we want to

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1 know, is that right? So you want to know what  
2 criteria are used to identify those comments  
3 that require technical consideration or  
4 something along those lines, require -- I'm  
5 just trying to.

6 CHAIRMAN GIBSON: I like "require"  
7 because some comments --

8 MR. KATZ: "Deserve," whatever.  
9 So what criteria are used to identify a  
10 comment that deserves consideration for  
11 possible changes in technical documents,  
12 right? That's it? Is that it?

13 MS. ROBERTSON-DEMERS: I don't  
14 know if I'd add the technical documents  
15 because some of the departments are not  
16 specific to a particular technical document.  
17 They're more generic in nature.

18 MEMBER MUNN: And we're looking  
19 for something that requires a response or an  
20 action from the agency?

21 MR. KATZ: Right. And then the  
22 second bullet, the who, I don't -- I mean, my

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1 opinion is it doesn't really matter who. You  
2 want to know that this is being done, but I'm  
3 not sure why you'd want to identify -- why  
4 evaluating this -- well maybe you do just to  
5 understand the process.

6 MS. ROBERTSON-DEMERS: Well, it  
7 needs to be done by a technical person versus  
8 an administrative person in some cases. For  
9 example --

10 MR. KATZ: Are the appropriate  
11 personnel evaluating the input that's  
12 received. Is that the question you're trying  
13 to get at, Kathy?

14 MS. ROBERTSON-DEMERS: Right.

15 MR. KATZ: I think that's a good  
16 question.

17 MEMBER BEACH: So are the  
18 appropriate personnel evaluating or  
19 determining that comments are subjective?

20 MR. KATZ: Just evaluating the  
21 input. Comments received.

22 CHAIRMAN GIBSON: Are we good on

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1 those two now, then?

2 MEMBER BEACH: Are we changing the  
3 second bullet, or are we going to leave it  
4 with the criteria are used to determine?

5 MEMBER MUNN: I thought your  
6 suggestion for incorporating the two was good,  
7 Josie.

8 CHAIRMAN GIBSON: Either way is  
9 fine with me, just what do we want to do? Do  
10 we want to make it into one, or do you want to  
11 leave it separate?

12 MR. KATZ: Well, if you make the  
13 two into one you just have a compound  
14 sentence. You might as well have two bullets  
15 in my view.

16 CHAIRMAN GIBSON: Okay. Let's  
17 leave it two separate bullets.

18 MEMBER MUNN: Well, as long as one  
19 of them identifies what "substantive" means to  
20 this group.

21 MR. KATZ: So Wanda had suggested  
22 a change, but I don't know that anyone

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1 recorded it or that I can remember it. But I  
2 mean -- because it's totally unclear what's  
3 meant by "comments are substantive." So we  
4 talked about what criteria are used -- that's  
5 Bullet Number 2, yes.

6 DR. MAKHIJANI: So I did record  
7 what she said for Bullet Number 2. I didn't  
8 see anything in Bullet Number 1.

9 MR. KATZ: Bullet Number 1 I  
10 thought we were okay with.

11 DR. MAKHIJANI: So I didn't have  
12 any change in that. What I wrote down for  
13 Bullet Number 2 was what criteria are used to  
14 identify comments that deserve consideration  
15 for inclusion in NIOSH and contractor  
16 documents. I wasn't clear -- inclusion in  
17 something.

18 MR. KATZ: It was for  
19 consideration --

20 DR. MAKHIJANI: For inclusion in -  
21 -

22 MR. KATZ: To be NIOSH documents

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1 or by NIOSH documents or actions I think is  
2 what Wanda said.

3 MEMBER MUNN: I had "require  
4 response or action."

5 MR. KATZ: Okay. Do you want to  
6 repeat that, Wanda, please?

7 MEMBER MUNN: I had said -- I  
8 can't remember the first part of the sentence,  
9 but what comments are -- what word did we use?

10 DR. MAKHIJANI: I have it, Wanda.  
11 What criteria are used to identify comments  
12 that deserve consideration for a response or  
13 action by NIOSH.

14 MEMBER MUNN: Correct.

15 MR. KATZ: Yes, that sounds good.

16 CHAIRMAN GIBSON: We agreed to  
17 change the third one to something to the  
18 effect of are the appropriate personnel making  
19 these determinations.

20 MR. KATZ: Yes.

21 CHAIRMAN GIBSON: Okay. Are we  
22 ready for the fourth bullet? What procedures

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1 are in place to determine input for action  
2 items in OTS?

3 MEMBER BEACH: And do we need to  
4 say procedures and processes? Go ahead.

5 MS. ROBERTSON-DEMERS: No, go  
6 ahead.

7 MEMBER BEACH: I was just going to  
8 say do we need to add processes as we have  
9 throughout the rest of this document so far?

10 MR. KATZ: I agree, Josie, about  
11 processes and procedures because not  
12 everything may be proceduralized, but I don't  
13 understand this. I don't understand what we  
14 mean by "in place to determine input for  
15 action items." I just don't understand that.

16 MS. ROBERTSON-DEMERS: Okay. In  
17 the OTS database NIOSH has changed their way  
18 of responding to comments versus, you know,  
19 how they responded to them with WISPR and they  
20 have created a field called Action Items based  
21 upon comments and that's why we see OTS there  
22 and not the other databases. So that's a

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1 reference to the action items they take on in  
2 response to the comments.

3 MEMBER BEACH: So I guess my  
4 question is what is "Determine input for  
5 action items." What are you trying to get at?

6 MS. ROBERTSON-DEMERS: We want to  
7 know how they determine what action they're  
8 going to take.

9 MEMBER BEACH: Okay, so determine  
10 - does that work? Get rid of the --

11 MR. KATZ: So, how does NIOSH  
12 determine appropriate actions?

13 MEMBER BEACH: For items in OTS.

14 MR. KATZ: Yes.

15 DR. MAKHIJANI: How does NIOSH  
16 determine action items to be included in OTS?  
17 Is that what people are saying?

18 MEMBER BEACH: No. Determine what  
19 --

20 MR. KATZ: What actions to take in  
21 response to the comments received.

22 MS. ROBERTSON-DEMERS: How does

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1 NIOSH determine appropriate actions for  
2 comments provided in OTS. That's what I got.

3 DR. MAKHIJANI: It seems to be  
4 specific to OTS.

5 MS. ROBERTSON-DEMERS: And it is -  
6 -

7 DR. MAKHIJANI: So that's why I'm  
8 asking.

9 MS. ROBERTSON-DEMERS: In WISPR  
10 they put in a response to every comment that  
11 was received and they didn't have something  
12 called Action Items, nor did they with TopHat.

13 MEMBER MUNN: How can you answer a  
14 question like that, how you determine -- that  
15 would seem to be different for every type of  
16 action that you can think of.

17 MS. ROBERTSON-DEMERS: What  
18 they're doing is they're putting in a comment  
19 that a worker provided and then there is an  
20 action field and the action for that comment  
21 can be no action or the action could be  
22 further investigate releases of UF6 from the

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1 Cascades. And what we're trying to determine  
2 is if that action item is appropriate to  
3 adequately address the concerns.

4 MEMBER MUNN: You may ask five  
5 people that question and get three different  
6 answers as to why they made that decision or  
7 what process was used to conclude that no  
8 action was necessary or that some action was  
9 necessary, which action should be taken.

10 MR. KATZ: I wonder if we're not  
11 already getting at this. If we have what  
12 criteria are used to evaluate the comments  
13 received for action or changes in documents,  
14 whatever, we have that already. I mean isn't  
15 that really getting at the question?

16 MEMBER BEACH: But it's a twofold  
17 question because the front end of it is  
18 talking about what procedures and processes  
19 are in place and then it talks about determine  
20 what action. So are we wanting to look at the  
21 procedures that are in place or are we  
22 actually looking at the actions that were

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1 determined. I guess Kathy, why did you put  
2 procedures and processes or procedures in the  
3 front.

4 MS. ROBERTSON-DEMERS: OTS is part  
5 of the PR-012 so it is included in the PR-012  
6 review of PR-012. It is an extension of the  
7 procedure.

8 MEMBER BEACH: So are we looking  
9 at the procedures that the rest of that  
10 sentence takes care of, or are you looking at  
11 the action you've taken because of the  
12 comment? It's very confusing.

13 CHAIRMAN GIBSON: I see these two  
14 questions as are we going to review the  
15 procedure that tells him what to do, how to  
16 put actions in as one thing and then if we do  
17 that are we also going to look at OTS, the  
18 action that was recorded, is it appropriate  
19 for the comments. There's two different.

20 DR. MAURO: Mike, this is John. I  
21 agree. I think that this is the first bullet  
22 where we return to the procedures. It seems

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1 to me the more fundamental question  
2 notwithstanding the procedures is that what  
3 action -- in other words, once an item has  
4 been recorded wherever it is, let's say it's  
5 in OTS, and it has been judged to be  
6 substantive to the extent that it needs to be  
7 recorded, then the question really becomes  
8 okay, we've identified something that is of  
9 interest and concern, what do we do about it?

10 What are we going to do about it and I think  
11 that's what the real issue here is. Whether  
12 or not it's in the procedure, I think we've  
13 got it in the procedures elsewhere because  
14 this is the first place where we are asking a  
15 question in terms -- in the context of does  
16 the procedure provide for this. It seems to  
17 me the "procedure" word is out of place in  
18 this bullet. Not that it should not be  
19 addressed in a procedure review, but this  
20 particular evaluation objective doesn't seem  
21 to be a subset of any type of procedure. It's  
22 really functional. We functionally want to

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1 know listen, if you've found something that  
2 you think is important what are you going to  
3 do about it?

4 MS. ROBERTSON-DEMERS: Well  
5 there's that, and then there's whether NIOSH  
6 is following their own guidance within the  
7 procedure and doing that.

8 DR. MAURO: But this does not seem  
9 to be the place where we're doing a procedure  
10 review, right? I mean, Evaluation Objective 3  
11 is not couched in terms of procedure review.  
12 It almost transcends procedures.

13 MEMBER BEACH: Kathy, it seems to  
14 me you're trying to get at something and maybe  
15 you just need to reword it to what exactly --

16 MS. ROBERTSON-DEMERS: I'll give  
17 you an example, okay? I'm going to use the  
18 coworker interviews as an example. In the  
19 CATI procedure there's an outline for when  
20 they do those type of interviews and there's  
21 kind of two things here. NIOSH has got in  
22 their mind how they determine what the action

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1 items are. They've got a process for that.  
2 In that process we need to ask ourselves the  
3 question is that process complete.

4 MEMBER MUNN: The point I was  
5 trying to make --

6 MS. ROBERTSON-DEMERS: The  
7 criteria that they use to derive their action  
8 items.

9 DR. MAURO: Let me try again. In  
10 other words, in the second bullet, just for an  
11 example, what criteria are used to determine  
12 something substantive. I realize there's some  
13 wording changes. It's not couched in terms of  
14 due to procedures contained criteria. In my  
15 mind, this is an overarching important  
16 question the answer to which when this  
17 question is posed may very well be yes,  
18 Procedure Number XYZ explicitly states these  
19 are the criteria we will use to determine when  
20 we're going to put a particular piece of  
21 information into OTS. That would be the  
22 answer to the question, but that's not the way

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1 this is couched. This is couched transcendent  
2 to the procedure and I like the idea, quite  
3 frankly, that these series of bullets are  
4 attempting to transcend procedures because  
5 quite frankly procedures come, procedures go,  
6 they're improved, they're revised, but the  
7 fundamental essence of our concern is listen,  
8 when you find out there's something important,  
9 you write it down and you make sure some  
10 action is taken to correct it or to do  
11 whatever needs to be done and that's why I  
12 think this particular Objective Number 3 is by  
13 far the one of greatest interest to me. When  
14 you find out there's something that needs to  
15 be fixed we have to make sure it's recorded  
16 and that action is taken to fix it. In fact,  
17 when we all started all this many, many months  
18 ago, this is what triggered everything we were  
19 talking about. The concern, if you remember,  
20 we repeatedly ran into circumstances where  
21 workers and people we interviewed were giving  
22 us information and it never made its way home

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1       into -- not never, but we often found that  
2       that material was not explicitly captured and  
3       incorporated into the site profile. So I mean  
4       this to me is something that transcends the  
5       procedures, it goes to the heart of why we are  
6       doing what we're doing in terms of from the  
7       technical side. See, I see this as from a  
8       technical point of view if there's a point  
9       that's being made that is important to dose  
10      reconstruction and that we didn't know about  
11      before but we do now because someone just  
12      informed us of it, we need to capture it and  
13      make sure it's reflected in how we go about  
14      doing our business. So I mean, I guess I feel  
15      strongly that we keep it in that vein and not  
16      make it a procedure review.

17                   MR. KATZ:     John, I think that's  
18      good, but I don't know, it's hard to get away  
19      from the word "procedures" but I think we're  
20      still asking the question what procedures are  
21      in place to ensure that comments are responded  
22      to     appropriately,     whatever,     acted     on

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1 appropriately.

2 MEMBER MUNN: But no matter how  
3 many procedures are written, no matter how  
4 many written processes are followed, sooner or  
5 later you come to a point where many of these  
6 items are in fact by necessity a result of an  
7 informed judgment call.

8 MS. ROBERTSON-DEMERS: Can I kind  
9 of ask a question here? If I have two people  
10 or three people who are looking at a comment,  
11 is there a consistent criteria by which that  
12 comment is going to be judged by those three  
13 people?

14 MEMBER MUNN: And my point is the  
15 comment itself is likely to be viewed in a  
16 different light depending upon the  
17 circumstances of that employee's site, that  
18 employee's work and any other number of  
19 variables that might be involved. That's why  
20 I said informed review.

21 MS. ROBERTSON-DEMERS: Okay, now  
22 these are three people at NIOSH who are

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1 looking at the comments, okay? And are we  
2 saying that it's okay to be subjective, or do  
3 you want criteria there, at least guidelines  
4 on what is a substantive comment?

5 MEMBER MUNN: Guidelines are  
6 always necessary, but seldom sufficient when  
7 one's attempting to move through such a wide  
8 variety of activities and such a wide variety  
9 of circumstances that have been encountered by  
10 our claimants.

11 MR. KATZ: Let me go at this  
12 again, Wanda, and see if I can't help here.  
13 We have criteria. What criteria are there to  
14 identify comments that deserve response,  
15 right? And then the next step really when you  
16 think about it, what procedure is in place to  
17 make sure that when you identify, if you're  
18 correctly identifying those items, to make  
19 sure those items get sent to the right people  
20 to give it consideration, in effect. I mean,  
21 you can't lay out the criteria for every  
22 different kind of comment, there's just no

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1 way. I mean, that universe is huge so you  
2 can't -- I don't think you could expect to  
3 find in procedures here's how you do -- here's  
4 what you do for a comment of this nature,  
5 here's what you do for a comment of that  
6 nature. I guess you could do some categorical  
7 general procedures, but I don't know that they  
8 exist. But you certainly want to know once  
9 someone, whoever is on the front end -- the  
10 receiving end of the comments, once they  
11 receive this comment and it says XYZ about  
12 some process at some site, whatever, you want  
13 to be sure that there's a procedure to make  
14 sure that comment, as John was saying, doesn't  
15 get sort of lost between the cracks somewhere,  
16 but that it gets to the appropriate experts  
17 and whatever to give it consideration. Right?  
18 So that's sort of a procedure for ensuring  
19 that items that deserve some action or  
20 response get such an action and response.

21 DR. MAURO: You see, and I agree  
22 with everything you're saying. I'm sort of a

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1 purist. I look at the evaluation criteria.  
2 If you want to make Evaluation Objective 3 a  
3 procedure review to make sure that there's a  
4 procedure in place that does all these  
5 important things, that's one thing. If you  
6 want Evaluation 3 to be something which is  
7 functional, that is I don't care about your  
8 procedures, I don't care if you have a  
9 thousand procedures. In the end I want to  
10 make sure that these things are happening. So  
11 I mean, it's two different --

12 MR. KATZ: John, I understand  
13 that, but the issue is that there's two parts  
14 to this, like with all the other objectives  
15 before. We have the parts of let's see what  
16 the procedures are to make sure things are  
17 handled correctly and this is falling under  
18 that because this is all under examine the  
19 process by which OCAS and its contractors  
20 evaluate worker input, and then there's the,  
21 again, the how is it working for us which is  
22 what you're talking about. That comes under

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1       conduct a systematic review.  So that's where  
2       you get to okay, we have these procedures to  
3       make sure for example that a substantive  
4       comment got to the right people and was given  
5       consideration.  Now let's go look at some  
6       examples and see how it's working.  So we take  
7       whatever, some Savannah River site profile,  
8       what have you, so and so SEC evaluation and we  
9       then track those actual items where comments  
10      were received.  Did those comments actually  
11      get sent to the right people to give it  
12      consideration and so on.  Does that make  
13      sense?

14                   DR. MAURO:  So right under the  
15      bold part of this Objective 3 there's a  
16      statement that says, "Examine the process by  
17      which."

18                   MR. KATZ:  Right.

19                   DR. MAURO:  Am I correct that this  
20      is going to be revised to say, "Examine the  
21      procedures and processes?"

22                   MR. KATZ:  Yes.

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1 DR. MAURO: Okay. My apologies.  
2 I must have missed that. Once you've  
3 incorporated the word "procedure," then  
4 everything from there on in is basically let's  
5 look at the procedure you're using to make  
6 sure that there is a procedure that provides  
7 for this. And then later on, the last part is  
8 okay, now we're going to audit it to see if in  
9 fact the procedure is being followed. I  
10 missed the part where you changed the process  
11 word. I'm okay.

12 MEMBER BEACH: Does someone want  
13 to take a stab at that sentence?

14 CHAIRMAN GIBSON: Before we do  
15 that, let me just deviate here a little bit.  
16 We're still in the hour that was supposed to  
17 be public comment so let me just check and see  
18 if any other workers, advocates or claimants  
19 have gotten on the line and are waiting to  
20 make public comment. If so, go ahead and  
21 identify yourself and make your comments.

22 MS. MAHR: This is Nancy Mahr.

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1                   CHAIRMAN GIBSON:   Okay.  Go ahead,  
2   Nancy.

3                   MS. MAHR:   What's unclear to me is  
4   how   these   substantive   technical   worker  
5   comments from let's say a labor union, how do  
6   they get transferred from the database into  
7   their technical documents like these site  
8   profiles?  How does that happen?

9                   CHAIRMAN GIBSON:   J.J.,  do you  
10   want to take a stab at it?

11                  MR. JOHNSON:   The question is how  
12   do statements in a meeting get into the  
13   Technical Basis Document.  What they do is  
14   that you have an HP at the meeting and the  
15   information is recorded, it's taken back and  
16   worked with the Technical Basis Document owner  
17   to determine its credibility when it comes to  
18   needing to change the Technical Basis  
19   Document.  If it's found that it needs to  
20   change the Technical Basis Document it's  
21   incorporated into the Technical Basis Document  
22   through a procedure review and incorporation.

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1                   CHAIRMAN GIBSON: Does that answer  
2 your question, Nancy?

3                   MS. MAHR: It does, but how do the  
4 workers know when these changes are made?

5                   MR. JOHNSON: In the front of the  
6 Technical Basis Document there's a change  
7 process and in there it'll indicate whether  
8 the change was made based upon a reviewer  
9 comment or through another technical review  
10 process.

11                  MR. MCDOUGALL: And if I might  
12 add, the -- when we identify a Technical Basis  
13 Document that has such a notation in the front  
14 when it's issued, we as a general rule go back  
15 to the labor organization from whence that  
16 comment originated and notify them of that  
17 change and ask if they want to, you know, ask  
18 them to look at it, ask them if they want to  
19 have any further input.

20                  MS. MAHR: Thank you.

21                  CHAIRMAN GIBSON: Okay, thank you.  
22 Are there any other workers, advocates, or

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1 workers' reps on the phone that would like to  
2 make public comment at this time? Any other  
3 comments at this time? Okay, if not we're  
4 going to get back into the agenda. Maybe  
5 right around 3:00 we'll ask one more time.  
6 So, back to the discussion on I believe it is  
7 the fourth bullet. It started out saying  
8 "What procedures are in place to determine  
9 input for action items in OTS?" and we've had  
10 quite a bit of discussion about that. So,  
11 concerns, Kathy?

12 DR. MAKHIJANI: Do you want me to  
13 read what I picked up from what was being  
14 said?

15 CHAIRMAN GIBSON: Go ahead.

16 DR. MAKHIJANI: "What processes  
17 and procedures are in place to ensure that  
18 NIOSH is following up on the response and  
19 action items in OTS?" "In OTS" or leave that  
20 out?

21 MEMBER BEACH: I think that was an  
22 important part of it, the OTS.

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1                   MR. KATZ: Unless -- if everything  
2 is captured in OTS then that works. If  
3 there's a broader universe than OTS, then you  
4 wouldn't want to limit it to OTS.

5                   MS. ROBERTSON-DEMERS: The only  
6 reason OTS is in there is because that action  
7 item comment portion is in there.

8                   MR. KATZ: I know, but now we're  
9 not talking about action items.

10                  MS. ROBERTSON-DEMERS: And that  
11 relates to OTS.

12                  MR. KATZ: So does OTS cover the  
13 universe for all input that comes in by all  
14 means?

15                  MR. JOHNSON: It covers the issues  
16 that are addressed and identified by the HP at  
17 their respective meeting, and those are  
18 documented in OTS.

19                  MR. KATZ: So it would also, like  
20 individual interviews, would those be captured  
21 in OTS?

22                  MR. JOHNSON: They have not

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1 necessarily happened probably because of the  
2 technical nature of them. That's why they  
3 would be --

4 MR. KATZ: May or may not be in  
5 there.

6 MR. JOHNSON: Right.

7 MR. KATZ: I mean, I just think  
8 you'd want to leave it broad. You can do OTS,  
9 you can have OTS as a subset.

10 MS. ROBERTSON-DEMERS: I don't  
11 have a problem with taking it out.

12 MR. KATZ: But you don't want to  
13 limit yourself to OTS.

14 CHAIRMAN GIBSON: I think we ought  
15 to take it out, but I think that part we take  
16 out should be probably put down for the next  
17 section about what we talked about to make  
18 sure the appropriate action items are being  
19 reported in OTS.

20 DR. MAKHIJANI: Yes, I think  
21 that's right. In the next section you do have  
22 a review of the database.

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1 CHAIRMAN GIBSON: Okay.

2 DR. MAURO: This is John. I've  
3 got a question that just struck me when Ted  
4 raised the question of OTS. I realize we're  
5 discussing outreach and making sure that  
6 important information that occurs through that  
7 process makes it into the final product and  
8 procedures the way in which work is being  
9 done. I'm going to ask a question that says  
10 what about all of the comments that are  
11 contained in the site profile reviews,  
12 procedure reviews, et cetera that are provided  
13 by SC&A to the board as being feedstock to the  
14 process? Because in a lot of respects, what  
15 we offer up by way of observations, comments,  
16 et cetera, are not unlike the kinds of things  
17 that are fed back to NIOSH through its  
18 outreach program.

19 MS. ROBERTSON-DEMERS: Are you  
20 referring to the site expert interview  
21 summary?

22 DR. MAURO: I think the site

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1 expert interview summary is captured by OTS  
2 under the new procedures. However, what's not  
3 -- and this is kind of a broader question, the  
4 list of findings that we have and we provide  
5 in our report in effect are on record, they've  
6 been filed, they're sitting in an electronic  
7 database, but I don't think that they're  
8 necessarily taken into consideration when the  
9 next version of a site profile is issued.

10 DR. MAKHIJANI: You mean when  
11 there's no working group.

12 DR. MAURO: When there's no  
13 working group. And I guess I just took this  
14 as an opportunity to point out that to a  
15 degree the boundary between feedback obtained  
16 through outreach from interviewing workers and  
17 feedback obtained from the Board's contractor  
18 as a result of assignments that the Board's  
19 contractor is given, you know, I don't see  
20 them as that different.

21 MR. KATZ: John, I think they're  
22 apples and oranges. I think it's

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1 exceptionally important, the point what  
2 happens to SC&A input that hasn't gone through  
3 a Board process. I think that's really  
4 important. We've talked about that, I concur  
5 100 percent, but I don't think that's part of  
6 the worker outreach.

7 DR. MAURO: Okay, yes. And just -  
8 - the thought struck me when you defined OTS  
9 as is that the boundary. In other words,  
10 basically are we really saying that really the  
11 pot that we keep all these comments in and  
12 action items is in OTS, and everything really  
13 orbits around that, and that got me thinking  
14 about the broader context.

15 MR. KATZ: Because the answer  
16 actually to OTS is that it's limited. It  
17 doesn't even cover all of the worker input.

18 DR. MAURO: Okay. Thank you for  
19 your answer and I appreciate the fact that  
20 perhaps the subject would be a matter for  
21 another venue.

22 CHAIRMAN GIBSON: Okay. So we're

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1 clear on the fourth bullet and then we'll take  
2 out the second half of that somewhere in the  
3 next section. The last bullet was "Feedback  
4 provided to workers on the impact of  
5 substantive comments on OCAS technical  
6 documents."

7 MEMBER BEACH: Are we just looking  
8 for feedback provided to the workers? Because  
9 I was thinking it needed to be shortened to  
10 "Was feedback provided to the workers on the  
11 comments on the OCAS technical documents?" Or  
12 is there more and I'm missing that?

13 MS. ROBERTSON-DEMERS: It's  
14 getting to what Nancy was bringing up in her  
15 question.

16 MEMBER BEACH: Right.

17 MS. ROBERTSON-DEMERS: How do the  
18 workers know what's being done with their  
19 comments.

20 MR. KATZ: You might just frame  
21 this a little more broadly. How is feedback  
22 provided to workers on their comments because

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1 there's different feedback depending on the  
2 nature of their comments. Some of their  
3 comments have substantive, you know, have  
4 potential impact and will change some  
5 documents. Some, you know, as you mentioned  
6 some are really comments that deserve to be  
7 considered by DOL or another agency. Some are  
8 comments that don't have a response I'm sure.

9 MEMBER BEACH: Broad, very broad.

10 MR. KATZ: Yes, they're just all  
11 over the place, but if you just frame it  
12 broadly then you can pursue it in its details  
13 and different ways.

14 CHAIRMAN GIBSON: Does everyone  
15 agree with that? We'll drop the, "on the OCAS  
16 technical documents."

17 MEMBER BEACH: And just say "Was  
18 feedback provided to the workers on their  
19 comments."

20 MR. KATZ: I said how is feedback  
21 --

22 MEMBER BEACH: Or how.

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1 MR. KATZ: -- rather than was.

2 MEMBER BEACH: How is feedback  
3 provided.

4 MR. KATZ: And the impact of their  
5 comments. Well I didn't even limit it to --

6 MEMBER BEACH: Yes, I got rid of  
7 that substantive. That was just me though.

8 DR. MAKHIJANI: How is feedback  
9 provided to the workers --

10 MEMBER BEACH: On their comments.

11 DR. MAKHIJANI: On the impact of  
12 their comments.

13 MR. KATZ: On their comments.

14 DR. MAKHIJANI: On their comments?  
15 Or the impact of it?

16 MR. KATZ: Or the response to  
17 their comments I guess, whatever. And then it  
18 really depends on the nature of their comments  
19 for what feedback you're going to find I  
20 imagine.

21 CHAIRMAN GIBSON: Okay, that does  
22 it for that section, correct?

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1 MEMBER BEACH: Yes.

2 CHAIRMAN GIBSON: Okay, let me one  
3 more time before the top of the hour here just  
4 go back and ask if there's any workers, worker  
5 advocates or claimants on the phone that want  
6 to make public comment during this period.  
7 Any public comments at this time? Okay. So  
8 we want to take maybe a 10-minute break and  
9 then come back and discuss this. Okay? Come  
10 back about 3 o'clock.

11 MR. KATZ: I'm just putting the  
12 phone on mute.

13 (Whereupon, the above-entitled  
14 matter went off the record at 2:52 p.m. and  
15 resumed at 3:03 p.m.)

16 MR. KATZ: Okay, we're back  
17 online. This is the Worker Outreach Work  
18 Group. We just had a 10-minute break and  
19 Mike?

20 CHAIRMAN GIBSON: Okay. We're  
21 still on Evaluation Objective Number 3. We're  
22 down to the second set of bullets under "Adopt

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1 a systematic review of worker outreach  
2 databases at a point in time in relation to  
3 its impact on technical documents." First  
4 bullet, "Select a sample of site profiles and  
5 SEC evaluation reports for worker outreach  
6 meetings have been done to document whether  
7 and how worker equipment has been considered  
8 and included and evaluate if exclusions were  
9 appropriate." Any questions, concerns about  
10 that? If not, second bullet for follow-up  
11 discussions held with participants providing  
12 substantive comments.

13 MR. KATZ: I have a question about  
14 that.

15 CHAIRMAN GIBSON: Okay.

16 MR. KATZ: I'm not sure, sort of  
17 the assumption -- again, the assumption is  
18 there should be follow-up discussions with  
19 participants always, or I don't know? I mean,  
20 someone may provide substantive comments that  
21 are fully adequate and you go and you do what  
22 you need to do with it and it's done. I mean,

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1 I just don't know.

2 MS. ROBERTSON-DEMERS: It's not  
3 all the time that's what happens.

4 DR. MAKHIJANI: If necessary,  
5 maybe?

6 MR. KATZ: Yes, that would explain  
7 it I guess. Yes.

8 CHAIRMAN GIBSON: Or would you  
9 rather have the question phrased in a  
10 different way to remove the illusion that they  
11 aren't expected to be held? Is that your  
12 concern, Ted?

13 MR. KATZ: Yes. So Arjun  
14 suggested, you know, when necessary or would  
15 be added to that.

16 MEMBER MUNN: Well, how does this  
17 differ from the last bullet at the bottom?

18 MR. KATZ: So I would just -- this  
19 may need clarification. When I was reading  
20 this I was thinking well someone's provided  
21 comments, but you need more detail than what  
22 you got, do you go back to the well, versus

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1 responding and letting people know how their  
2 feedback was used.

3 MEMBER MUNN: Well, it's hard not  
4 to consider follow-up discussion as feedback.

5 MR. KATZ: But I guess now that  
6 I'm thinking about this anyway, I mean, it  
7 seems like this belongs above -- with the  
8 other bullets anyway. This is more a process,  
9 procedures question than how are things  
10 working in reality, how are the processes and  
11 procedures working for us. So it seems like  
12 if it's not already covered by the other it  
13 belongs up above with the other bullets.

14 MS. ROBERTSON-DEMERS: Can I throw  
15 an example out there? If a worker comes to  
16 NIOSH and says there was fermium used at such  
17 and such a site, the first thing that at least  
18 I would ask is where. You go back to that  
19 person to ask that, and if he didn't have the  
20 answer, go to the documentation.

21 MR. KATZ: Right. So I think I  
22 understood you perfectly there. I understand

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1 that you may need to do follow-up work on  
2 comments that are received, but that seems  
3 like that's part of the processes and  
4 procedures for evaluating input up above  
5 versus the systematic review in relation to  
6 its impact on technical documents.

7 CHAIRMAN GIBSON: Perhaps like  
8 under the third bullet up above?

9 MR. KATZ: Yes. Sure.

10 CHAIRMAN GIBSON: Does everyone  
11 else agree with that?

12 DR. MAKHIJANI: So you're moving  
13 the second bullet up.

14 MR. KATZ: To be the fourth bullet  
15 in the list immediately above.

16 MEMBER BEACH: And then did you  
17 change the wording on that a bit too?

18 DR. MAKHIJANI: If necessary, yes.  
19 Isn't that what you had?

20 MR. KATZ: Yes. If, when.

21 DR. MAKHIJANI: When?

22 CHAIRMAN GIBSON: Okay. Now, the

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1 third bullet which is our second bullet, "OCAS  
2 conduct research to determine the impact of  
3 substantive comments on the dose  
4 reconstruction process."

5 MS. ROBERTSON-DEMERS: So in other  
6 words, going back to my comment or my example,  
7 we handled fermium at such and such a site.  
8 Well, they may have to go back and pull  
9 documentation to validate that.

10 DR. MAKHIJANI: I don't believe  
11 they do that in terms of their criteria,  
12 whether to -- the comment or not, right?

13 MS. ROBERTSON-DEMERS: I don't  
14 know what the criteria is.

15 DR. MAKHIJANI: But that's sort of  
16 what we're seeking to find out, right? This  
17 is part of, you know, how do they decide  
18 whether something is relevant.

19 MS. ROBERTSON-DEMERS: It could be  
20 a subcategory to that.

21 MR. KATZ: Yes. I mean, I think  
22 it's another detail. It goes above with the

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1 other bullets. It's more of the process and  
2 procedures by which OCAS is responding to  
3 comments received.

4 DR. MAKHIJANI: What's your  
5 pleasure, Mike? You want to move it up?

6 CHAIRMAN GIBSON: Yes, let's move  
7 it up. Try to keep it consistent.

8 MEMBER BEACH: The last bullet  
9 kind of goes with it also.

10 DR. MAKHIJANI: Yes, I think both  
11 of the last bullets are in the same spirit.  
12 Should I put them at the end of that bullet  
13 above?

14 MS. ROBERTSON-DEMERS: There was  
15 something that Mike wanted to make sure that  
16 we captured which was kind of the second half  
17 of the fourth bullet up top.

18 MEMBER BEACH: The new fourth  
19 bullet?

20 MS. ROBERTSON-DEMERS: No, the  
21 original.

22 MEMBER BEACH: Okay.

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1                   CHAIRMAN GIBSON:    The second part  
2                   of that question is something to the effect  
3                   that we were going to look at the action items  
4                   that are actually in OTS to see if they're  
5                   appropriate based on the appropriate actions  
6                   are being taken.  We had talked about moving  
7                   it down to this next section.

8                   DR. MAKHIJANI:       Now I'm really  
9                   confused.  Are we in the worker input list and  
10                  transferring stuff there?  Do you want me to  
11                  read you what I have in that list now?

12                  CHAIRMAN GIBSON:  Yes.

13                  DR. MAKHIJANI:    Because we've kind  
14                  of moved stuff around a fair amount.  I'm not  
15                  sure that I did everything right, but at least  
16                  let me tell you what I've got.  So the first  
17                  bullet in that worker input list in how does  
18                  OCAS catalogue and consider worker input, et  
19                  cetera, that hasn't been changed.  And the  
20                  second bullet is "What criteria are used to  
21                  identify comments that deserve consideration  
22                  or responses, or for a response or action by

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1 NIOSH? Are appropriate personnel evaluating  
2 the comments received," that's the third  
3 bullet. Now we added, we moved the bullet  
4 just now which is now the fourth bullet, "Were  
5 follow-up discussions held with participants  
6 providing substantive comments as necessary?"

7 Then, "What processes and procedures are in  
8 place to ensure that NIOSH is following up on  
9 response and action items?" "How is feedback  
10 provided to workers in response to their  
11 comment?" And then the two bullets that were  
12 moved from the next list up, "Did OCAS conduct  
13 research to determine the impact of  
14 substantive comments on the dose  
15 reconstruction process?" "When substantive  
16 comments were provided was supporting  
17 documentation obtained to validate the  
18 statements by participants?" So that's the  
19 list that I have under worker input.

20 MS. ROBERTSON-DEMERS: Read Bullet  
21 Number 5 that you have now.

22 DR. MAKHIJANI: Current Bullet

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1 Number 5 is "What processes and procedures are  
2 in place to ensure that NIOSH is following up  
3 on the response and action items?"

4 MS. ROBERTSON-DEMERS: And now  
5 we're asking are the action items appropriate.  
6 It's a different question.

7 DR. MAKHIJANI: Yes, isn't that in  
8 the one bullet that now remains which is  
9 sample selection, determine and document  
10 whether or not worker input has been  
11 considered and improved and evaluate if  
12 exclusion were appropriate.

13 CHAIRMAN GIBSON: No.

14 DR. MAKHIJANI: No. So you want  
15 to add a bullet there?

16 CHAIRMAN GIBSON: We had talked  
17 about under the section "Examine the process  
18 by which OCAS has contractors evaluate worker  
19 input." The original fourth bullet originally  
20 read "What procedures are in place to  
21 determine input for action items in OTS."

22 DR. MAKHIJANI: Yes, that was the

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1 original.

2 CHAIRMAN GIBSON: And when we  
3 started assessing that question I thought we  
4 had broken it down into two. One was  
5 basically a procedure process question and the  
6 other, the tail end of it was more of a  
7 practical to where -- to look at some of the  
8 actions that are entered in OTS."

9 DR. MAKHIJANI: I'm very sorry. I  
10 entirely missed that. So we need to add that  
11 in the next list. So what were the action  
12 items determined appropriate or how did you  
13 want?

14 MR. KATZ: Handled appropriately  
15 in a sense is what he's saying.

16 CHAIRMAN GIBSON: Yes.

17 MS. ROBERTSON-DEMERS: Are  
18 appropriate to the comments provided.

19 DR. MAKHIJANI: Were the action  
20 items --

21 MR. KATZ: It's really not the  
22 items. It's were the actions appropriate to

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1 the comments is what you're saying, right? In  
2 OTS, is that right?

3 CHAIRMAN GIBSON: Kathy, didn't  
4 you say they're entered as action items?

5 MS. ROBERTSON-DEMERS: Yes,  
6 they're entered as action items.

7 CHAIRMAN GIBSON: That's why they  
8 were called that. So once the procedure and  
9 process is taken, it walks people to that  
10 database and the other one is actually going  
11 to the database and just. We talked about  
12 that tail end coming down.

13 MR. KATZ: So, were the action  
14 items appropriate to the comments received.  
15 Is that what you want to say?

16 MS. ROBERTSON-DEMERS: In OTS.

17 MR. KATZ: Okay. So that makes  
18 sense because you have one going at it by  
19 looking at site profiles and SEC evaluation  
20 reports, and you have another going at it by  
21 looking at OTS, right? That's sort of two  
22 different approaches to looking at how

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1 comments are actually handled. Is that good?

2 MS. ROBERTSON-DEMERS: Now, can I  
3 throw a monkey wrench in here?

4 MR. KATZ: We love monkey  
5 wrenches.

6 MS. ROBERTSON-DEMERS: They're not  
7 called action items in WISPR.

8 MR. KATZ: Well, that doesn't  
9 matter.

10 MS. ROBERTSON-DEMERS: So if we're  
11 doing anything from a historical, if we're  
12 pulling data from that and evaluating their  
13 response, that's not going to be covered.

14 DR. MAKHIJANI: Well, then we can  
15 add that.

16 MR. KATZ: What is it called in  
17 WISPR?

18 MS. ROBERTSON-DEMERS: They have a  
19 comment and then they have a response.

20 DR. MAKHIJANI: Were action items  
21 and response appropriate to the comment?

22 MR. KATZ: Or you can say -- put

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1 in parentheses, "or were responses in WISPR,"  
2 whatever. If you need to outline them on  
3 each, and if you really want to go back into -  
4 - that's fine. You can say, you know, "or  
5 responses in WISPR" in parentheses. If you  
6 just do that then that explains what you mean.

7 However it's framed you're still asking the  
8 same question, is the action appropriate to  
9 the comment.

10 DR. MAKHIJANI: Okay. So what I  
11 have now is "Were the action items in OTS or  
12 responses in WISPR appropriate to the comments  
13 received."

14 MR. KATZ: That sounds good.

15 MS. ROBERTSON-DEMERS: I think  
16 TopHat's was the same way as WISPR.

17 DR. MAKHIJANI: TopHat is no  
18 longer -

19 MR. KATZ: TopHat, I gather  
20 there's not much there.

21 MS. ROBERTSON-DEMERS: We have a  
22 hard copy.

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1                   MR. KATZ: I have a comment then  
2 for the other bullet. The bullet that has  
3 about validating statements, wherever that's  
4 been moved. Where are we? The bullet as it  
5 read was "When substantive comments were  
6 provided" --

7                   DR. MAKHIJANI: Okay.

8                   MR. KATZ: -- "was supporting  
9 documentation obtained." I mean, one, I think  
10 you need to ask the question to determine did  
11 OCAS attempt to obtain supporting  
12 documentation because there wouldn't  
13 necessarily be supporting documentation. And  
14 then the question is to verify statements, not  
15 necessarily validate because you don't --  
16 you're not -- a priori you're not trying to  
17 validate their statement, you're trying to  
18 verify it.

19                   MS. ROBERTSON-DEMERS: Maybe we  
20 should rephrase it "Did NIOSH verify the  
21 comments through either additional document  
22 research or further interview with the comment

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1 provider?"

2 MR. KATZ: Yes. But again --

3 DR. MAKHIJANI: We did that.  
4 Going back to the worker is a separate thing  
5 we already did.

6 MEMBER BEACH: That's the one we  
7 moved down.

8 DR. MAKHIJANI: Yes. And now  
9 we're talking just -- when substantive  
10 comments were provided was supporting document  
11 -- how is that different than, "OCAS conducts  
12 research to determine the impact of  
13 substantive comments on the dose  
14 reconstruction process?" I don't know. I  
15 think we've got a lot of overlapping questions  
16 that can be put into a more general question,  
17 Kathy.

18 MS. ROBERTSON-DEMERS: Well, I  
19 just have written up here about, so.

20 DR. MAKHIJANI: No, it's the same  
21 -- the question that you asked before -- they  
22 are just being moved, they're not being

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1 changed. Yes, I'm just struggling.

2 MR. KATZ: I think these questions  
3 are more or less the same.

4 DR. MAKHIJANI: How do you want  
5 them rephrased, if you want them rephrased?  
6 Because I'm not -- and I'm a little bit in  
7 deep water. I just want to write down  
8 whatever is appropriate so people have a good  
9 text.

10 MS. ROBERTSON-DEMERS: We can  
11 combine them because the purpose of that is to  
12 follow through on the comment.

13 DR. MAKHIJANI: Okay. "Did OCAS  
14 conduct research to verify substantive  
15 comment?"

16 MEMBER MUNN: Just statements I  
17 thought we said.

18 DR. MAKHIJANI: Statements?

19 MEMBER MUNN: That's what we had  
20 said originally when we were talking about it  
21 earlier.

22 DR. MAKHIJANI: Okay. To verify

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1 substantive statements.

2 MEMBER MUNN: Made by  
3 participants.

4 DR. MAKHIJANI: By participants  
5 and assess their impact on the dose  
6 reconstruction process. That's how those two  
7 ideas would be combined as I read them.

8 MS. ROBERTSON-DEMERS: That's the  
9 general --

10 MR. KATZ: Yes, and I guess --

11 MS. ROBERTSON-DEMERS: -- area  
12 where we're trying to go.

13 MR. KATZ: I would then even just  
14 say "evaluate," and I'm not sure how we got  
15 this "statement" because everything else is  
16 "comments" everywhere. There's not any  
17 "statements" written anywhere in these  
18 bullets. It's sort of confusing to switch to  
19 "statements."

20 MEMBER MUNN: Go back to  
21 "comments" then. Easy enough.

22 DR. MAKHIJANI: Your word is my

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1 command here, literally.

2 MR. KATZ: "Evaluate" and  
3 "comment."

4 MEMBER MUNN: "Evaluate" instead  
5 of "verify?"

6 MR. KATZ: Yes, "evaluate" because  
7 --

8 MEMBER MUNN: I thought I was  
9 using your term when I said "verify."

10 MR. KATZ: You did, you did. I  
11 said "verify" based on the original statement,  
12 but now that we have this sort of wholly  
13 reformulated it reads, "Did OCAS conduct  
14 research to evaluate substantive comments by  
15 participants and assess their" -- you're  
16 missing a word -- "impact on the dose  
17 reconstruction process." Their impact on --  
18 but it's not just dose reconstruction. We  
19 need something more general because it's their  
20 impact on procedures because it could be dose  
21 reconstruction, it could be SEC, what have  
22 you, evaluation.

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1 DR. MAKHIJANI: So their impact on  
2 NIOSH --

3 MEMBER MUNN: "Processes," isn't  
4 it?

5 MR. KATZ: Yes, processes,  
6 procedures, documents. It could be any of  
7 those I suppose.

8 DR. MAKHIJANI: Okay.

9 MR. KATZ: Does that make sense,  
10 Wanda?

11 MEMBER MUNN: I think so. I can't  
12 tell from what I have written here.

13 MR. KATZ: Let me read it again.  
14 "Did OCAS conduct research to evaluate  
15 substantive comments by participants and  
16 assess their impact on NIOSH documents,  
17 processes and procedures?"

18 MEMBER MUNN: Okay.

19 MR. KATZ: Does that sound good?  
20 Okay.

21 CHAIRMAN GIBSON: Okay, now under  
22 the section "Conduct a systematic review of

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1 worker outreach" yada, yada, we still have the  
2 original first bullet and we've added a second  
3 at the tail end of the question from above.  
4 Is there any other questions or bullets that  
5 we want to put in this section? If not, then  
6 we can move on to the next section of bullets  
7 under Objective 3 which is "Evaluate OCAS  
8 tracking system for identifying trends in  
9 worker comments." First bullet, "Has OCAS  
10 documented repetitive or reoccurring issues on  
11 a site-wide or program-wide basis?"

12 MS. ROBERTSON-DEMERS: I think  
13 maybe I'll just put this into context. If you  
14 have a hundred CATI interviews and an issue  
15 comes up like we worked with curium in such  
16 and such a place and it keeps coming up, that  
17 recurring issue is a generic issue and needs  
18 to be captured and responded to. And we're a  
19 little bit outside of what J.J. says is in  
20 OTS.

21 CHAIRMAN GIBSON: And by that you  
22 mean?

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1 MS. ROBERTSON-DEMERS: Well, on  
2 Page 3 on the original we have a statement  
3 that we kept that OCAS have a particular  
4 document reoccurring that is associated with  
5 forms of worker communication and then there  
6 were examples there. And these recurring  
7 issues would actually come out of those other  
8 venues. So this is the -- the first question  
9 is asking, okay, have you been tracking all  
10 those recurring issues.

11 CHAIRMAN GIBSON: And one of which  
12 would have been this bullet that's up on Page  
13 3, correct?

14 MR. KATZ: So Page 3 is do you  
15 have a process and over here is, is it  
16 happening, are they doing it, right Kathy?

17 MS. ROBERTSON-DEMERS: Right.

18 MR. KATZ: So just, is OCAS  
19 documenting recurring issues on a site-wide or  
20 program-wide basis.

21 MS. ROBERTSON-DEMERS: The reason  
22 we added "site-wide or program-wide" was to

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1 delineate comments that individuals provided  
2 on their own claim versus generic comments  
3 that are applicable to the site profile review  
4 or a site profile.

5 MR. KATZ: Can I just say, I know  
6 this is under something called "Evaluate  
7 OCAS's tracking system to identify trends,"  
8 but it seems like the important question you  
9 want to ask that you don't get to then -- you  
10 have is there a procedure, and then you ask  
11 here is OCAS doing it in effect, is it  
12 tracking these, but really the important  
13 question you want to ask is: how is OCAS  
14 responding to these recurring issues which is  
15 -- it's sort of lost, it doesn't show up.  
16 Right?

17 MS. ROBERTSON-DEMERS: There is  
18 that question. However, we need to ask these  
19 first questions because we don't know if the  
20 answer to them is yes.

21 MR. KATZ: No, that's fine. I  
22 mean, it's fine to have this question is OCAS

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1 documenting these, but then you still need --  
2 you're missing the follow-up question which is  
3 the most important question is how is OCAS  
4 responding to these recurring issues. Yes, so  
5 I think that's something that you need to add.

6 It doesn't really fall under, you know, the  
7 way this is framed, the section "Evaluate  
8 OCAS's tracking system for identifying  
9 trends," this goes beyond evaluating the  
10 tracking system. You want to know -- either  
11 the whole purpose of tracking these is being  
12 able to identify these trends so that you're  
13 acting on them when there's a wealth of  
14 information indicating there may be an issue.

15 So it seems to me this is another -- it's  
16 sort of out of place I think, this "Evaluate  
17 the tracking system," because it's coming --  
18 here it's coming in the document after the  
19 impact evaluation which is above it. Once  
20 you've evaluated impact you're done with the  
21 evaluation. So it seems like you need to move  
22 this "Evaluate the OCAS tracking system" above

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1 this whole section, "Conduct a systematic  
2 review." And then you can have under  
3 "Evaluate the tracking system," these two  
4 questions, "Has OCAS documented repetitive or  
5 recurring issues," or just that one question.

6 DR. MAKHIJANI: We have at the end  
7 of Objective 2, "and evaluate the completeness  
8 and adequacy of the outreach tracking system."

9 MR. KATZ: Yes, and this is --

10 DR. MAKHIJANI: Sorry?

11 MR. KATZ: Yes. This is an  
12 element of that.

13 DR. MAKHIJANI: So should this be  
14 moved over there, is that what you're saying?

15 MS. ROBERTSON-DEMERS: Well, let  
16 me give you an example, okay? When you  
17 collect an air sample you compare it against  
18 the requirement, okay? And it's either above  
19 that level or below that level. So that's the  
20 first step, but over a period of time you  
21 tracked that same air sample position and  
22 you're seeing a trend then an action needs to

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1 be taken if you want to discontinue that trend  
2 and prevent it.

3 MEMBER BEACH: So I wonder if you  
4 put it -- because this is tracking system  
5 underneath that but trending. Because you're  
6 already asking some of those questions in the  
7 tracking on Page 4 and then you want to trend  
8 what you're tracking, correct? I mean, is  
9 that the more logical way to put it?

10 MR. KATZ: I thought Arjun had a  
11 solution for this that he mentioned earlier?  
12 Should we move it up and see how it works?

13 DR. MAKHIJANI: At the bottom of  
14 2, Mike?

15 CHAIRMAN GIBSON: Tell us what  
16 you've got, what you're suggesting.

17 DR. MAKHIJANI: Well, what I  
18 noticed was that at the bottom of 2, just  
19 above Objective 3 we have an item that says  
20 "Evaluate the completeness and adequacy of the  
21 outreach tracking system" you've got bullets  
22 under there that in my notes at least were not

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1 modified. And it must have been immediately  
2 after lunch I think. Sorry.

3 MS. ROBERTSON-DEMERS: Okay. Does  
4 it specify OTS in there?

5 DR. MAKHIJANI: It does, yes. And  
6 then what I'm suggesting is that the existing  
7 section that we're discussing be transferred  
8 whole, including the preamble sentence,  
9 "Evaluate OCAS's tracking system for  
10 identifying trends in worker comments," under  
11 the set of bullets and now you have a new set  
12 of bullets. So you transfer the whole thing  
13 there.

14 MS. ROBERTSON-DEMERS: And then  
15 you add the "Is NIOSH responding to those  
16 trends" under the last one.

17 MR. KATZ: The responding to the  
18 trends is -- we have already two bullets.  
19 This would be a third bullet.

20 MS. ROBERTSON-DEMERS: Yes.

21 MR. KATZ: So yes. Does that make  
22 sense to you? Okay.

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1 DR. MAKHIJANI: The three bullets  
2 you have would be put under a new preamble  
3 sentence. I just moved the whole thing  
4 physically, I lifted both the sentence and the  
5 three bullets under it and put it at the  
6 bottom of Objective 2.

7 MR. KATZ: But we haven't actually  
8 talked about Bullet 2 and Bullet 3.

9 DR. MAKHIJANI: Yes, now you can  
10 edit. If you want it there then we can edit  
11 those and leave it there.

12 MEMBER BEACH: And then before you  
13 go too far, does it fit under Objective 3, the  
14 definition of Objective 3 -- 2, I mean?

15 DR. MAKHIJANI: Yes, I think it  
16 does.

17 MEMBER BEACH: Obtaining and  
18 implementing input from workers.

19 DR. MAKHIJANI: Yes.

20 MEMBER BEACH: Okay.

21 MR. KATZ: So Bullet 2, Bullet 2,  
22 "Are recurring comments provided from worker

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1 input and nontraditional worker and  
2 representative methods of communication  
3 tracked and trended?" That's hard to get your  
4 mind around that statement, but seems like the  
5 first bullet says all you need to say. "Is  
6 OCAS documenting repetitive and recurring  
7 issues on a site-wide and program-wide basis?"  
8 but Kathy, is something missed that's captured  
9 in the second bullet?

10 MEMBER MUNN: It sounds redundant.

11 MS. ROBERTSON-DEMERS: Okay. One  
12 of the questions we might have, and maybe we  
13 don't, is are they tracking and trending  
14 comments.

15 DR. MAKHIJANI: That's the first  
16 one, right? Is OCAS documenting repetitive  
17 and recurring issues on a site-wide basis,  
18 right?

19 MR. KATZ: Site-wide or program-  
20 wide.

21 DR. MAKHIJANI: And the whole  
22 thing involves evaluate OCAS's tracking system

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1 for identifying trends in worker comments.  
2 That's the whole thing, right?

3 MEMBER BEACH: Nontraditional  
4 worker. Was there something else?

5 MS. ROBERTSON-DEMERS: CATIs,  
6 PHAs, comments provided like from, for  
7 example, the individual at Nevada.

8 MR. KATZ: That's --

9 MS. ROBERTSON-DEMERS: Okay. One  
10 question is are you documenting, and then the  
11 other question is are you evaluating the  
12 trends. If a hundred workers say "I don't  
13 understand the dose reconstruction report,"  
14 then maybe something should be done.

15 MR. KATZ: That gets the impact.  
16 Again, we're going to have another bullet  
17 under Impact about evaluating how NIOSH  
18 handles then these trends.

19 MS. ROBERTSON-DEMERS: Then we  
20 would have a total of two bullets.

21 MR. KATZ: But that comes under  
22 the Impact, not under this section which is --

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1 that comes under -- we have two bullets under  
2 Impact later and that would come down there.  
3 That's an impact evaluation when you're saying  
4 what is -- but that doesn't come up here.  
5 This is process questions. So we have the  
6 process question of whether OCAS is  
7 documenting repetitive and recurring issues,  
8 and that seems like that's it. The next one  
9 just in effect repeats that.

10 MS. ROBERTSON-DEMERS: Well, do  
11 they have to observe the trends? Do they have  
12 to --

13 MR. KATZ: Well, I mean if you're  
14 documenting the trend, I mean in effect,  
15 that's what you are. If you're not  
16 recognizing a trend, then you haven't -- if  
17 you don't recognize a trend then there's  
18 nothing documented. You would only -- I mean,  
19 it's sort of inherent. If you've documented a  
20 trend you've recognized it. So then the  
21 question is if you appropriately respond to  
22 that trend.

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1 MS. ROBERTSON-DEMERS: You're  
2 documenting the recurring issues, okay, so I  
3 don't know.

4 CHAIRMAN GIBSON: Ted, you had  
5 mentioned earlier something I believe about  
6 adding a second question, something to the  
7 effect how is OCAS responding to the  
8 repetitive --

9 MR. KATZ: Yes. And that would go  
10 down to the Impact section. That just  
11 wouldn't come here, but absolutely.

12 CHAIRMAN GIBSON: But wouldn't  
13 that answer what the concern is in Bullet 3  
14 would it not?

15 MEMBER BEACH: Bullet 2 is what we  
16 were talking about, wasn't it?

17 CHAIRMAN GIBSON: Oh yes, Bullet  
18 2.

19 MS. ROBERTSON-DEMERS: In Bullet  
20 2, between what's above and then the new  
21 statement.

22 DR. MAKHIJANI: Okay, here's a

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1 little suggestion to move us off the impasse  
2 here. I think I understand where Kathy is  
3 coming from. So the first question could be  
4 extended a little. Has OCAS documented  
5 repetitive or recurring issues on a site-wide  
6 or program-wide basis from various venues.

7 MEMBER MUNN: It doesn't matter  
8 where it comes from.

9 MR. KATZ: Doesn't matter where it  
10 comes from.

11 MEMBER MUNN: It really doesn't  
12 matter where it comes from. You don't have to  
13 say where it comes from. If you say  
14 documented, repetitive or recurring issues,  
15 that means repetitive and recurring issues  
16 regardless of their origin.

17 DR. MAKHIJANI: We can say that.  
18 Brilliant.

19 MR. KATZ: Wanda, Arjun is writing  
20 in the regardless comment you just made. But  
21 regardless of their origin. I don't think you  
22 need to say that, Arjun. I really think you

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1 do fine --

2 DR. MAKHIJANI: Well --

3 MR. KATZ: I know, but I think  
4 it's fine that she said it. You can take out  
5 the regardless.

6 MEMBER MUNN: Yes, I think so.

7 CHAIRMAN GIBSON: Site-wide or  
8 program-wide covers it.

9 MR. KATZ: Yes, it covers the  
10 waterfront. And then we're going to get to  
11 the impact question.

12 MS. ROBERTSON-DEMERS: As long as  
13 we have a mechanism in place where if a  
14 hundred times a person says I replace -- or  
15 this guy had me replace my badge with a pocket  
16 dosimeter, then that, you know, if you have a  
17 hundred of those comments then you really need  
18 to respond to it versus having --

19 MR. KATZ: So, again, you have the  
20 question. Is there in place. So you're going  
21 to look at, okay, you have this question now,  
22 are recurring issues being documented. So if

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1 you go and look and you see that, one, you  
2 know that this issue has been raised 75 times  
3 and two, you go and you look at this and you  
4 see that OCAS, there's nowhere that's  
5 captured, you've answered that question, okay?

6 Here was an issue where there were 75 of the  
7 same comments made, but nowhere in OCAS's  
8 processes and so on is that actually captured.

9 Okay, so that answers that question. Then  
10 you have when you go and you look at the data  
11 OCAS has on repetitive comments, recurring  
12 themes, however you want to frame it, you go  
13 look and you say okay, here is one that's  
14 identified in the OCAS system, recurring  
15 theme. Now let's see what OCAS did about it.

16 That's the next question. And that would  
17 come down under -- we have two questions  
18 already. Let me get to it. It's the one --  
19 one has to do with Objective 4. Where is  
20 that? Oh yes. We have select a sample of  
21 site profiles, blah, blah, we have then the  
22 second bullet is were action items in OTS

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1 appropriate to the comments received. So here  
2 would be a third bullet on recurrent themes,  
3 were recurrent themes appropriately responded  
4 to, recurrent whatever the phraseology is.

5 MS. ROBERTSON-DEMERS: So what  
6 you're saying is the fact that they showed up  
7 75 times is the documentation?

8 DR. MAKHIJANI: So, whether they  
9 have documented recurrent issues and then we  
10 see whether they've done something about it.

11 MS. ROBERTSON-DEMERS: So it's  
12 happening before the documentation.

13 DR. MAKHIJANI: No.

14 MR. KATZ: You're answering both  
15 questions. You're answering the question of  
16 whether it's being documented and you're  
17 answering the question for when it is  
18 documented is it being handled appropriately.

19 And that seems like the whole waterfront of  
20 questions you could have about that.

21 CHAIRMAN GIBSON: Or if we put is  
22 it documented and trended? Is that?

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1                   MEMBER MUNN:   How is it responding  
2                   to it?  It either is or isn't documenting and  
3                   trending it.

4                   CHAIRMAN GIBSON:   It just seems  
5                   like there's something of a concern here and  
6                   I'm just trying to get it on the table so we  
7                   can.

8                   DR. MAKHIJANI:     Yes, yes, yes.  
9                   No, I think it is in here in what Kathy had  
10                  written because we have a separate title for  
11                  those two bullets that are there now we have  
12                  discussed.  The preamble sentence is clear  
13                  that it's about trends.  "Evaluate OCAS's  
14                  tracking system for identifying trends and  
15                  worker comments."  And so now the first bullet  
16                  is "Has OCAS documented repetitive or  
17                  recurring issues" and so that clearly refers  
18                  to trends.  I don't think any -- because  
19                  trends is the theme of the whole thing, I  
20                  think.  Right?  No, it's the very first  
21                  question that you had.

22                  MS. ROBERTSON-DEMERS:   No, it's

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1 under --

2 MEMBER BEACH: We moved it.

3 DR. MAKHIJANI: Now moved under  
4 Objective 2.

5 MR. KATZ: Right.

6 DR. MAKHIJANI: So it's at the  
7 very end of Objective 2. This thing about  
8 trends.

9 MEMBER BEACH: Okay, so we didn't  
10 settle the last bullet.

11 DR. MAKHIJANI: No, we have not  
12 talked about the last bullet. "Are comments  
13 applicable to the DOL portion?" That we have  
14 not discussed.

15 MR. KATZ: And I don't understand  
16 how that relates to trends for repetitive,  
17 recurring issues.

18 MS. ROBERTSON-DEMERS: Because  
19 they happen frequently.

20 MR. KATZ: No, but I mean are  
21 comments applicable to the DOL portion of the  
22 process -- but again, that seems like a

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1 totally separate issue from recurring issues.

2 MS. ROBERTSON-DEMERS: It's one --  
3 it can fall under the item under Number 2.

4 DR. MAKHIJANI: You mean recurring  
5 comments about DOL? Then maybe we should just  
6 say this. "Are recurring comments applicable  
7 to DOL portion of the process forwarded to  
8 DOL?"

9 MR. KATZ: But I think you want to  
10 know that any comments that are applicable to  
11 DOL would be forwarded to DOL when they're the  
12 -- regardless of whether they're recurrent or  
13 they're made one time.

14 MS. ROBERTSON-DEMERS: And I guess  
15 what I'm saying is it would fall under the  
16 item under Objective 2.

17 MR. KATZ: I see.

18 DR. MAKHIJANI: It's already under  
19 Objective 2. It's a question of whether you  
20 want it under the --

21 (Simultaneous speakers.)

22 MR. KATZ: Right --

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1 DR. MAKHIJANI: -- or someplace  
2 else.

3 MR. KATZ: Someplace else.

4 DR. MAKHIJANI: So let's find  
5 another home for it.

6 MR. KATZ: It's actually an  
7 action, so it goes beyond Number 2.

8 DR. MAKHIJANI: It should be under  
9 Number 3.

10 MR. KATZ: Yes.

11 DR. MAKHIJANI: So is NIOSH  
12 forwarding --

13 MR. KATZ: This is the fourth  
14 bullet, actually. This is the fourth bullet  
15 under 3, the material that goes to DOL, does  
16 it get to DOL.

17 MS. ROBERTSON-DEMERS: Okay.

18 MR. KATZ: Because that's one of  
19 the actions, right?

20 DR. MAKHIJANI: Okay. Now I can  
21 tell you everything that I have. Under  
22 Objective 2 we now have this new item that has

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1 only one bullet, "Evaluate OCAS's tracking  
2 system for identifying trends in worker  
3 comments," and the one bullet is "Has OCAS  
4 documented repetitive or recurring issues on a  
5 site-wide or program-wide basis?" That's  
6 what's there. And then there are two new  
7 bullets under -- at the bottom of Objective 3.

8 The heading is "Conduct a systematic review  
9 of worker outreach databases at a point in  
10 time in relation to its impact on technical  
11 documents," and the two new bullets on that  
12 are, "Were recurrent issues appropriately  
13 responded to?" and "Are comments applicable to  
14 the DOL portion of the process forwarded to  
15 DOL for consideration?" Does that sound good?

16 CHAIRMAN GIBSON: Yes.

17 MR. KATZ: Sounds good to me.

18 CHAIRMAN GIBSON: Okay. Ready to  
19 move to Objective 4. "OCAS effectively  
20 informs workers in relationship with various  
21 responsibilities related to EEOICPA including  
22 explaining dose reconstruction, the SEC

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1 petition process," et cetera.

2 MEMBER BEACH: And Mike, just for  
3 the record we changed it to "determine whether  
4 OCAS is effectively."

5 CHAIRMAN GIBSON: Thank you.

6 MEMBER BEACH: You're welcome.

7 CHAIRMAN GIBSON: Okay. "Examine  
8 communication vehicles that OCAS has developed  
9 to communicate with claimants." One bullet.  
10 Are we happy with that?

11 MEMBER MUNN: Do we really want to  
12 know how to, or do we want to know whether  
13 they do so effectively, adequately?

14 CHAIRMAN GIBSON: I think that  
15 sounds good. Instead of how do pamphlets, et  
16 cetera, do they adequately. Okay, let's make  
17 those changes.

18 DR. MAKHIJANI: So do pamphlets,  
19 et cetera, effectively inform the claimant  
20 population, et cetera? Is that how you want  
21 it?

22 MR. KATZ: The bullets further

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1 down get to effectively really. Do  
2 participants understand, et cetera, all those  
3 are really effectiveness questions. So --

4 DR. MAKHIJANI: So one's opinion  
5 of how do --

6 MEMBER MUNN: Depends on how you  
7 respond to how to. They responded and they  
8 communicated in writing, they could  
9 communicate in photographs, they could  
10 communicate in graphs.

11 MR. KATZ: So Wanda, what I was  
12 going to suggest is the question we might be  
13 asking if we want to be parallel with the  
14 structure and everything else, all the other  
15 objectives, I mean first we ask about the  
16 processes and then we ask about effectiveness  
17 or impact. So the question you might ask up  
18 here is in effect are -- is -- let me just say  
19 this in a crude way first and then we can  
20 figure out how to say it if we want to say it,  
21 is sort of a universe of information that  
22 should be given to claimants in the dose

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1 reconstruction process and SEC petitioners,  
2 it's not just claimants, but is that  
3 information covered by all these different  
4 venues?

5 MS. ROBERTSON-DEMERS: This was  
6 not my comment. It came out at the last  
7 meeting.

8 MR. KATZ: No, but all I'm saying  
9 is you could ask the question does OCAS in  
10 effect have vehicles for communicating all the  
11 breadth of matters that it should be  
12 communicating and then you ask the question  
13 how effective is that, right? So the front  
14 end process question, does OCAS. You know,  
15 you might find a gap well OCAS doesn't even  
16 tell anybody about too many of these venues,  
17 about X, Y, or Z. So you may want to know  
18 does OCAS have a means for communicating  
19 appropriately, and appropriate means for  
20 communicating its claimant information and its  
21 SEC information.

22 CHAIRMAN GIBSON: So are we asking

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1 are the types of media they're using covering  
2 the whole gamut? Or are we asking does the  
3 media that's out there have all the  
4 information in it. I mean, that's kind of to  
5 your question, so.

6 MR. KATZ: Yes. I guess you might  
7 ask -- again, I'm just posing this to try to -  
8 - but you might ask, you know, are the issues  
9 completely covered by the different media and  
10 are these media appropriate for the content  
11 that they're delivering? So you might do  
12 that. Those would be the process questions up  
13 front.

14 CHAIRMAN GIBSON: That's good.

15 MR. KATZ: And then down below we  
16 get into the effectiveness questions. So  
17 Arjun has written here, "Are the various  
18 instruments of communication, such as" blah,  
19 blah, blah, to say that, "suitable for  
20 informing the claimant population about dose  
21 reconstruction, SEC petition processes," and I  
22 would say all that sounds good to me, I just

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1 would say it's not just claimant population  
2 because.

3 DR. MAKHIJANI: Okay.

4 MR. KATZ: Because it -- SEC  
5 petitions could be submitted by others than  
6 claimants too.

7 DR. MAKHIJANI: You had something  
8 else?

9 MR. KATZ: Claimant and  
10 petitioning populations you could say. But  
11 yes, we do have this other -- we can go back  
12 and look at how we had it. So does that?

13 MEMBER MUNN: I think you said it  
14 more clearly earlier, before you got to that  
15 tail end part. When we were considering it as  
16 two separate questions really, two separate,  
17 more simple questions. One, does OCAS  
18 currently have the material and information  
19 publicly available to properly cover the facts  
20 that need to be disseminated. And the second  
21 question then is are these materials in the  
22 proper format to meet the needs of the

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1 population covered.

2 MR. KATZ: Let me try to simplify,  
3 Wanda, that. What you said is difficult to  
4 grasp.

5 MEMBER MUNN: Yes, it is.

6 MR. KATZ: Does OCAS communicate  
7 the information needed by claimants and  
8 petitioners, and that covers, you know,  
9 through all these means. So, does it  
10 communicate and then the second question is  
11 are the means of -- are the instruments or  
12 whatever, means of communication for this  
13 information appropriate. Does that make  
14 sense?

15 MEMBER MUNN: Yes. One is are  
16 they the right things, and the second is are  
17 they in the right format.

18 MR. KATZ: So, the first is does  
19 OCAS communicate the right information. Does  
20 OCAS communicate the information that  
21 claimants and petitioners need.

22 MEMBER MUNN: Yes.

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1                   MR. KATZ:     And then second, is  
2     this information communicated appropriately.

3                   MEMBER MUNN:   Is it available and  
4     communicated appropriately.

5                   MR. KATZ:     That's down.     That's  
6     simple.

7                   DR. MAKHIJANI:   We have currently  
8     some in the reverse order.   The first thing is  
9     examine the communication means is one bullet.

10                  MR. KATZ:     So just get rid of that  
11     bullet and I'll say it again.   Does OCAS  
12     communicate the information needed by  
13     claimants and petitioners.   And then the  
14     second question is, is this information  
15     communicated through appropriate means.

16                  DR. MAKHIJANI:   And this is to go  
17     under what heading?

18                  MR. KATZ:     And this is under --

19                  DR.     MAKHIJANI:         Examine the  
20     communication vehicles that OCAS has developed  
21     and their effectiveness?

22                  MR. KATZ:     Right.     No, no, no.

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1 For the effectiveness we get to down here. So  
2 this is just process at this point we're  
3 examining. So that covers process, and then  
4 down here now we get to effectiveness issues.  
5 You have, "Evaluate whether OCAS  
6 communications result in understanding," you  
7 know. That's the effectiveness question.

8 DR. MAKHIJANI: Shall I read out  
9 what Ted has been doing here?

10 CHAIRMAN GIBSON: That sounds  
11 good.

12 DR. MAKHIJANI: I don't need to  
13 read it?

14 CHAIRMAN GIBSON: Go ahead.

15 DR. MAKHIJANI: "Examine the  
16 communication vehicles that OCAS has developed  
17 to communicate with claimants," so that was  
18 the original heading. And now we have two new  
19 bullets to replace whatever was there. I  
20 think it was just one bullet. "Does OCAS  
21 communicate the information needed by  
22 claimants and petitioners?" And second

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1 bullet, "Is this information communicated  
2 through appropriate means?"

3 MEMBER MUNN: I would suggest that  
4 in the heading we add the word "potential"  
5 before "claimants."

6 DR. MAKHIJANI: "Potential  
7 claimants." We have been using "claimants"  
8 throughout.

9 MR. KATZ: We have. And it's  
10 claimants and petitioners though. I think  
11 it's important.

12 MEMBER MUNN: Yes, but when we're  
13 in the process here of asking the question  
14 whether the information is available, is the  
15 information good, we want to make sure that we  
16 do cover those that are potentials, not just -  
17 - we want the general public to have their  
18 bite of this. The other material we're  
19 talking about once claims and SEC petitions  
20 are made, how we go about dealing with them.  
21 Here we're asking whether the material that  
22 has been produced specifically to elucidate

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1 for everyone what's transpiring, whether or  
2 not that material is what we want it to be.  
3 Is that not correct?

4 DR. MAURO: I have a question.  
5 This is John. So is Objective 4 focused on  
6 workers, claimants, or all interested parties?

7 MR. KATZ: It's the same, you  
8 know, we've corrected this elsewhere. It's  
9 whatever we said earlier today in the several  
10 places. I forget exactly how we framed it,  
11 but I think we said workers, claimants, what  
12 did we say? Claimants, petitioners, workers.  
13 Workers, claimants and their representatives.

14 CHAIRMAN GIBSON: Okay, so are we  
15 good on that one? We can jump down to the  
16 second set of bullets. "Evaluate whether  
17 OCAS's communications result in an  
18 understanding among claimants for their rights  
19 in the process such as their right to file a  
20 petition, how it might be done, etc."

21 MR. KATZ: I would just amend. I  
22 mean, it's not just about rights, right? I

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1 mean that makes it sound like it's just a  
2 legalistic thing. But they need to  
3 understand, "rights in the process, such as  
4 right to file a petition, etc." Okay.

5 MEMBER BEACH: That whole sentence  
6 is kind of wordy.

7 CHAIRMAN GIBSON: "Are there  
8 results and an understanding among claimants  
9 and the reps," yada, yada, "of EEOICPA the  
10 process?"

11 MEMBER BEACH: Well, their rights  
12 in the process probably can go away, can't  
13 they? Because we want to evaluate whether  
14 OCAS is communicating and that the claimants  
15 understand.

16 CHAIRMAN GIBSON: They understand  
17 the whole program, right?

18 MEMBER BEACH: Right.

19 CHAIRMAN GIBSON: So just put like  
20 a PR or something and just take out the rights  
21 in the process, rights to file.

22 MR. KATZ: Yes, to understand -- I

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1 mean, it's not the whole program. It's  
2 really, we want -- I mean, the objective is  
3 for them to understand dose reconstruction and  
4 SEC petitioning processes, right?

5 CHAIRMAN GIBSON: Claims and SECs,  
6 yes.

7 MR. KATZ: Yes.

8 DR. MAURO: And it's to their  
9 satisfaction, not in other words -- this is  
10 John. In other words, is our goal here to  
11 make sure that when you walk away from these  
12 communications that the claimants and workers  
13 feel that they understand the material to  
14 their own personal satisfaction? Yes, I'm  
15 walking away from this feeling I do understand  
16 this as opposed to let's say, making sure they  
17 understand all the different elements and  
18 aspects of the program. It's really more that  
19 they walk away with a sense of satisfaction.

20 MR. KATZ: I think John, I think  
21 you want an objective, not a subjective. I  
22 mean, for any number of reasons, people may

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1 not feel satisfied, I think you want an  
2 objective evaluation of whether people  
3 understand what they need to understand at the  
4 end of the communications with OCAS.

5 DR. MAURO: Okay. So I just want  
6 to make sure I understand. So really, OCAS is  
7 the agency that determines what is the  
8 information that these people need to  
9 understand and make sure that they understand  
10 it.

11 MR. KATZ: For the dose  
12 reconstruction and the SEC petitioning  
13 process.

14 DR. MAURO: And that's important,  
15 as opposed to, you know, I guess in a way I  
16 flipped it. Okay, that's helpful.

17 MR. KATZ: That's my take.

18 DR. MAKHIJANI: I haven't written  
19 anything. I'm not quite clear on what to  
20 write.

21 MR. KATZ: So what I was  
22 suggesting is that "Evaluate whether OCAS's

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1       communications       result       in       adequate  
2       understanding of" -- well, skip that for a  
3       second -- "adequate understanding of the dose  
4       reconstruction and SEC petitioning processes."

5       And then when you get into that you're going  
6       to get into do they understand their rights in  
7       the system, do they understand how to do what  
8       they need to do, do they understand enough  
9       about how NIOSH will be responding to what  
10      they do, all that.

11               DR. MAKHIJANI:       That's already  
12      there in the question.

13               MR. KATZ:   Yes, right.

14               CHAIRMAN GIBSON:   Larry, is there  
15      anything else in OCAS's communications? We  
16      had mentioned the dose reconstruction, SEC  
17      filings. Is there other big items that you  
18      try to get across in communications? I mean,  
19      I know you educate a lot of things, but just  
20      for this particular objective.

21               MR. LEWIS:       So this is the  
22      resource center? That may be explained there,

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1 but we always explain to them where the  
2 closest Department of Labor Resource Center is  
3 to them. That goes in the file of the claim,  
4 but you don't have to file a claim through  
5 your local Resource Center, but we always have  
6 that information with us so that they can see  
7 where the DOL Resource Center is closest to  
8 their location for people that can help them  
9 through the process with that. So it's a  
10 little different --

11 MR. ELLIOTT: I'm sorry, I can't  
12 identify anything else right off.

13 DR. MAKHIJANI: So Mark, are you  
14 saying understanding of the claims, dose  
15 reconstruction and SEC petitioning processes?

16 MR. LEWIS: No, I'm saying if we  
17 wanted to file a claim. Like let's say we're  
18 someplace and we're talking to somebody and he  
19 says oh yes, my dad worked there, or somebody  
20 worked there and I had to file a claim, we  
21 always have an information -- Mary put  
22 together a few handouts which is on the

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1 website and through the DOL the closest  
2 Resource Center. We go to the DOL website and  
3 give their contact information and stuff to  
4 them. So we're in near Kentucky, we make sure  
5 they've got the Paducah Resource Center, you  
6 know? We're in Portsmouth, we make sure  
7 they've got the Portsmouth or the closest one  
8 to the site. If we're in Sandia we make sure  
9 they know about the one up north, you know,  
10 where they go.

11 MR. KATZ: There are lots of bits  
12 and pieces that sort of exceed the boundaries  
13 of just the dose reconstruction, SEC process,  
14 because I could tell you that Denise Brock  
15 gives a lot of help out that's really related  
16 to Part E, but she makes a real difference for  
17 people for that. But that's not really the  
18 core function. The core functions are to make  
19 sure that folks -- OCAS's core function is to  
20 make sure that people understand the dose  
21 reconstruction and SEC processes. You know,  
22 these other things of helping people find

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1 their way through the DOL labyrinth and so on  
2 is sort of additional work that gets done  
3 that's good, important work, but it's not  
4 core.

5 MS. ROBERTSON-DEMERS: Can I ask a  
6 question? At a workshop you cover IREP.  
7 Would that fall under the dose reconstruction  
8 process?

9 MR. ELLIOTT: Yes. Well, it's  
10 applicable. It is something that the dose  
11 reconstruction reports feed into the IREP. We  
12 take it on as a responsibility to explain to  
13 users of the IREP, either casual or repeated  
14 users how to use IREP. So we have a user's  
15 guide on the website, we welcome calls, we  
16 have staff who walk people through how to do  
17 inputs into IREP. Does that answer your  
18 question? I mean, I don't know that I  
19 consider that outreach as much as I consider  
20 it just a resource to those folks who may want  
21 to avail themselves of the free IREP online.

22 MEMBER MUNN: But that's internal

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1 technical information, not outreach.

2 MS. ROBERTSON-DEMERS: Wanda, what  
3 I'm talking about is they had a presentation  
4 at the workshop on the IREP code.

5 MEMBER MUNN: But those are not  
6 presentations that you make to workers and  
7 claimants and their families.

8 MS. ROBERTSON-DEMERS: In this  
9 case yes, they made a presentation on IREP.

10 MR. ELLIOTT: We find that these  
11 people who serve to help folks in the claimant  
12 population struggle with the back end of the  
13 dose reconstruction reports and the IREP input  
14 sheets, and you know, many people go online  
15 because our website says you can use IREP  
16 online and so many people try it and then come  
17 back to us and say we don't understand how to  
18 do this, how to put the inputs in. So we have  
19 chosen to include IREP in our workshops so  
20 that we can explain how IREP functions and how  
21 one may interact with that software.

22 DR. MAURO: This is John. I have

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1 an observation. I would say of all of the  
2 things that the public at large needs to  
3 appreciate and understand in order to feel a  
4 degree of comfort that the process is working  
5 for them, the biggest challenge is the  
6 probability of causation. I think that  
7 explaining dose reconstruction but the problem  
8 I believe you probably have encountered and  
9 will encounter is understanding the  
10 probability of causation and the 99<sup>th</sup>  
11 percentile because in the end it's the PoC  
12 that people complain about. That is, you  
13 know, and understanding why -- I mean, we know  
14 why they're really given a tremendous benefit  
15 of the doubt by building in the 99<sup>th</sup>  
16 percentile that takes into consideration  
17 individual variability. In other words, so I  
18 would say that there are scientific elements  
19 to the probability of causation and how it's  
20 implemented that are going to be extremely  
21 difficult to communicate, and my guess is  
22 that's your most challenging communication

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1 part. I don't know if you've seen that.

2 MR. ELLIOTT: We have seen that,  
3 John. I don't think it's our most  
4 challenging, I think it's in the top one or  
5 two.

6 DR. MAURO: Okay.

7 MR. ELLIOTT: Of the hundred that  
8 we have. Certainly dose reconstruction is  
9 hard to get across. It's difficult to explain  
10 to laypeople, but you're right, when we talk  
11 about the probability of causation as Kathy  
12 and Arjun can attest to and Josie can attest  
13 to, you know, we tried our level best I think  
14 to provide real-time examples. And they  
15 didn't come from our presenter, they came from  
16 one of our contractors in the room and I  
17 jumped up and tried to give some help too.  
18 It's a difficult concept to explain, a  
19 difficult concept to grasp as to what we're  
20 talking about when we say the 50<sup>th</sup> percent of  
21 the 99 percent credibility limit. Everyone  
22 just glazes over at that point.

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1 DR. MAURO: Yes, it's over. Once  
2 you go there. Arjun and I were talking a bit  
3 about this the other day and he had some ideas  
4 because I was thinking about how would I  
5 explain -- I try to explain this to my wife  
6 and I can't.

7 MEMBER BEACH: John, can we not go  
8 there now?

9 DR. MAURO: Okay.

10 DR. MAKHIJANI: I think -- the  
11 substantive part of this meeting.

12 DR. MAURO: I'm sorry. This is  
13 important. Anyway, I'll stop, I'm sorry.

14 MR. ELLIOTT: This is a subject  
15 for another meeting.

16 MR. KATZ: So we could say dose  
17 reconstruction, SEC petitions, IREP and  
18 related DOL processes or something. No?  
19 That's fine.

20 MR. ELLIOTT: We're reluctant to  
21 talk about DOL processes other than the use of  
22 IREP because --

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1 MR. KATZ: Okay. The use of IREP,  
2 that's good.

3 MR. ELLIOTT: Sounds good. I've  
4 got enough on my plate to try to explain that,  
5 try to explain why DOL does something or  
6 doesn't do something.

7 MR. KATZ: Yes, okay, that's fine.

8 MR. ELLIOTT: How they do  
9 something.

10 MEMBER MUNN: You don't feel that  
11 that -- well, never mind.

12 MR. ELLIOTT: Okay, read what  
13 you've got, Arjun.

14 DR. MAKHIJANI: Evaluate whether  
15 OCAS's communications result in adequate  
16 understanding of the dose reconstructions, the  
17 use of IREP and SEC petitioning process.

18 CHAIRMAN GIBSON: Okay. Is  
19 everyone good with that?

20 MEMBER BEACH: Yes.

21 CHAIRMAN GIBSON: We'll get into  
22 the details of that another day. Okay, the

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1 bullets under that. "Do the participants  
2 understand how to file a claim and what to  
3 expect in the process?"

4 MR. KATZ: To file a claim is a  
5 DOL business.

6 DR. MAKHIJANI: Do you want to  
7 delete that?

8 MS. ROBERTSON-DEMERS: How about  
9 what to explain in the dose reconstruction  
10 process?

11 MEMBER BEACH: I didn't catch  
12 that, Kathy.

13 MS. ROBERTSON-DEMERS: Do  
14 participants understand what to expect in the  
15 dose reconstruction process. Or petition  
16 process.

17 MR. KATZ: Right. I mean, this is  
18 just then repeating the general sentence,  
19 breaking it up into its constituent parts,  
20 really. That's good.

21 MS. ROBERTSON-DEMERS: There might  
22 be some overlap with the item at the bottom of

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1 the page in the next section.

2 MR. KATZ: Okay. Why don't we  
3 just go down these in order.

4 CHAIRMAN GIBSON: Okay, the second  
5 bullet. We're done with the first one,  
6 correct? "Do the participants understand the  
7 requirements for submitting a qualifying SEC  
8 petition?" Okay with that? Third bullet.  
9 "Do the participants understand the time  
10 requirements for qualifying and evaluating a  
11 petition, i.e., the 180-day petition  
12 evaluation requirement."

13 MR. KATZ: I would just -- I think  
14 this needs to be broadened because that's just  
15 one tiny thing, the time element. But I think  
16 you want just to know that do the participants  
17 understand the process for qualifying -- well,  
18 you already have qualifying above, for  
19 evaluating an SEC petition, and that's the  
20 whole process. That includes the deadlines,  
21 but it includes everything else, their  
22 involvement in the Board meetings, you know,

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1 all of the opportunities for their involvement  
2 all the way through the point where they may  
3 appeal a decision and so on, and Congress acts  
4 on a decision.

5 DR. MAKHIJANI: Okay, so "Do  
6 participants understand the process for  
7 evaluating an SEC petition and how it may be  
8 approved or denied?"

9 MEMBER MUNN: I swore I wasn't  
10 going to say anything else, but so help me I  
11 have to say this. How is anyone of you going  
12 to identify whether someone understands  
13 something? What criterion are you going to  
14 use for that, any more than the criterion you  
15 can use to determine how someone feels about  
16 something?

17 MS. ROBERTSON-DEMERS: Can we  
18 reword it something along the lines of --

19 MEMBER MUNN: Have they been  
20 informed how to file a claim. Have they been  
21 informed of the requirements. Unless --

22 MR. KATZ: Wanda, that's process

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1 questions, has someone been informed, but if  
2 you actually want to get at effectiveness you  
3 want to know, well, the ways you're informing  
4 them, are they working? And as to how you get  
5 that information, the only way you get that  
6 information is by actually somehow surveying,  
7 interviewing people to gather what they  
8 actually understand at the end of the process.

9 MEMBER MUNN: Are we going to have  
10 a test on this.

11 MR. ELLIOTT: A test.

12 MR. KATZ: So I'm not even raising  
13 the question of can we do this, can we  
14 actually do this evaluation, but that again,  
15 if you want to get at effectiveness for any  
16 kind of training or informational work you  
17 have to go back to the people who were trained  
18 and informed and figure out whether they  
19 understood.

20 MEMBER BEACH: Okay, so you talked  
21 about rewording, Kathy? What were you  
22 thinking of rewording? Which bullet? Were

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1 you back up to the top?

2 MS. ROBERTSON-DEMERS: I'm trying  
3 to find a way to phrase it so that we're  
4 evaluating what they understand. And us  
5 asking it.

6 MR. KATZ: Well above, in the two  
7 bullets process questions you have already,  
8 you have, you know, is the right information  
9 being communicated and is it being  
10 communicated through the right means. So  
11 you've already asked those questions, those  
12 are process questions. Now, I mean you could  
13 decide as a Work Group that you really can't  
14 get at effectiveness because the only way to  
15 do that is to actually interview people and  
16 make an assessment of their knowledge based on  
17 this training that they've received and  
18 communications they've received. That's -- I  
19 mean, you have to wrestle with that  
20 feasibility question, but if you're going to  
21 get at effectiveness that's the only way you  
22 can do it. Otherwise, you're just evaluating

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1 processes. You can make judgments as to how  
2 good the OCAS materials are and so on, but  
3 then it's just -- that's just your judgment as  
4 to whether -- how well they communicate versus  
5 how effective they actually are. I mean, you  
6 can't make that judgment as an expert.

7 MR. ELLIOTT: There's permutations  
8 to that. You could sit down with a focus  
9 group and lay out the written communication  
10 materials that we use which are on our website  
11 and determine whether or not those  
12 communication materials are effective in  
13 informing that focus group. That's another  
14 way of going about it.

15 MR. KATZ: That's like  
16 interviewing. I mean, whether you do a big  
17 survey, whether you do focus groups, I mean  
18 there are a whole number of ways, but they all  
19 -- you have to speak to the people who were  
20 supposedly educated, informed to get at that.

21 So I mean, you have to at some point wrestle  
22 with is it feasible to get at that information

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1 or not. I don't think you need to decide that  
2 today. So I think you can have this on your  
3 plate as an evaluation objective and down the  
4 road if you decide you don't have the  
5 resources or you can't get at that, then you  
6 can re-frame and just stick with process  
7 questions. But I think it's a good place to  
8 start to have that on your plate and worry  
9 about how you're going to implement it.  
10 Again, all of these, if you go through  
11 everything we've done today there's lots of  
12 how do you actually do that. All that has to  
13 be worked out still. We've just laid out a  
14 framework for what kind of questions we want  
15 to ask, not how do you get the good answers to  
16 the questions.

17 MR. ELLIOTT: We heard last week  
18 in the workshop that many of the people that  
19 these folks were dealing with didn't read  
20 through all the material that they were given.  
21 You heard that, you heard that, right? You  
22 heard that? They did not read through

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1 everything. So we took that back and I talked  
2 to my health communications specialist, I  
3 said, here's a comment for you to try to dig  
4 into. They're telling me that all the stuff  
5 we send out, half the folks or about half the  
6 time many of the folks don't even read through  
7 it. They get to the first paragraph or they  
8 try to find the bottom line and they don't  
9 understand it, or they just -- they don't want  
10 to understand it. So there's your challenge.

11 We've got to come up with something that is  
12 readable and understandable.

13 DR. MAKHIJANI: Well, just from my  
14 experience outside of this framework, you know  
15 we've done for 15 years lots and lots of work  
16 outside this context obviously. And you can't  
17 actually get even the most motivated people to  
18 read material beforehand. Some of them will  
19 read it and some of them will not read it.  
20 And it's also true of me. You know, you go to  
21 a meeting, you get materials, you're busy and  
22 you're on a plane and you know, you get

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1 through what you get through and sometimes you  
2 know if it's important you get through  
3 everything.

4 MR. ELLIOTT: I offer that as a  
5 practice for your understanding. How would  
6 you even evaluate that now? Because you know,  
7 I took back, I have one of the letters that I  
8 spoke about which gives us some input on how  
9 to reword, re-frame our documents on this kind  
10 of a concern that was raised, you know, make  
11 them more readable. Well that's good, so I've  
12 tasked -- given that to my health  
13 communications specialist. But other than  
14 that, you know, I think you guys are hard  
15 pressed to come in and point to these kind of  
16 sentinel events that happen like that and be  
17 able to track them. You know, we don't have -  
18 - we can make a full bureaucracy around what  
19 you guys have discussed today. We could make  
20 a very costly set of research projects on  
21 effectiveness on what guys have talked about  
22 today and what we've thought about with regard

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1 to how we're doing in our communication  
2 efforts.

3 MEMBER BEACH: And I kind of  
4 thought about part of what we wanted to do and  
5 maybe I missed it, was we were going to  
6 actually look at the material that NIOSH is  
7 sending out and evaluating the material as  
8 opposed to did the participants understand it.  
9 So I guess that piece is kind of missing.

10 MR. KATZ: That's already covered.  
11 I mean, the process questions.

12 MEMBER BEACH: Yes, but the  
13 effectiveness part of it I guess.

14 MR. KATZ: Well, that's my point.  
15 You can look at materials and say you like  
16 them or you don't, but you cannot judge their  
17 effectiveness because you read them and have  
18 an opinion about that.

19 MEMBER BEACH: That's true.

20 CHAIRMAN GIBSON: Given the hour,  
21 let's just get back to the plan and we'll  
22 leave the evaluation steps in there. Once we

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1 get this done and we go try to figure out how  
2 we're going to do it we may figure out we  
3 can't do it. But for now let's, for today  
4 let's concentrate on getting this finished up.  
5 Is that all right?

6 MR. ELLIOTT: Yes.

7 CHAIRMAN GIBSON: Okay. So we are  
8 at the fourth bullet. "Are claimants notified  
9 that an Ombudsman's Office exists and what  
10 services it provides?" I think that's  
11 straightforward enough. Did you have a  
12 comment, Arjun?

13 DR. MAKHIJANI: No, I had some  
14 notes on the third bullet and I'm wondering  
15 whether they were appropriately put in there  
16 now.

17 CHAIRMAN GIBSON: Oh okay, so we  
18 just left --

19 DR. MAKHIJANI: Yes, I think we  
20 left the third bullet then. What I have is  
21 "Do the participants understand the process  
22 for evaluating an SEC petition and how it may

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1 be approved or denied," and I don't know  
2 whether that was what you wanted, or the --  
3 the original words were thought to be too  
4 narrow, the 180 days. Is this okay? That's  
5 what I have.

6 MEMBER BEACH: That's what we  
7 said.

8 DR. MAKHIJANI: All right. I just  
9 wasn't sure.

10 CHAIRMAN GIBSON: We'll be looking  
11 to OCAS's documents ourselves up above so all  
12 these things down here under the evaluation,  
13 it's just, you know, we're going to have to  
14 see how that works.

15 DR. MAKHIJANI: Okay.

16 CHAIRMAN GIBSON: Okay, so is  
17 there anything else under the third bullet,  
18 Arjun?

19 DR. MAKHIJANI: No, no, I just  
20 want to make sure that I add the notes as  
21 people wanted them. I'm going to send them  
22 around.

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1                   CHAIRMAN GIBSON:    So we read the  
2                   fourth bullet.  Is there anything that needs  
3                   to be changed in that?  And associated with  
4                   that fifth one.  "Is the Ombudsman's Office  
5                   responding to worker communications and  
6                   forwarding the comments received to  
7                   appropriate subgroups of OCAS and its  
8                   contractors?"

9                   DR. MAKHIJANI:    Does Ombudsman's  
10                  Office communicate with contractors or only  
11                  with NIOSH?

12                  MR. KATZ:       Well actually, you  
13                  know, Denise communicates with everybody.

14                  MR. ELLIOTT:   Whoever she needs to  
15                  touch, she touches.

16                  MR. KATZ:       Beyond NIOSH too.  She  
17                  does a lot with DOL and she does a lot with  
18                  the regional offices of DOL and so on.

19                  CHAIRMAN GIBSON:   Okay.  I think  
20                  those five bullets are going to give us enough  
21                  to try to figure out what to evaluate or how  
22                  to evaluate when we get to it.  Is there

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1 anything else we want to add to that section,  
2 or? Probably going to be difficult.

3 DR. MAKHIJANI: Did you want to  
4 add an item along the lines of what Josie was  
5 talking about which would be the working  
6 group's evaluation of the material independent  
7 of whether anybody learned anything from it or  
8 not?

9 CHAIRMAN GIBSON: Wasn't that in  
10 our --

11 MR. KATZ: I thought the first two  
12 bullets --

13 DR. MAKHIJANI: Okay, fine.  
14 Sorry.

15 MR. KATZ: Working group and  
16 whatever help it needs from SC&A will be  
17 addressing --

18 DR. MAKHIJANI: Sorry, sorry.  
19 Okay.

20 CHAIRMAN GIBSON: Okay. And then  
21 the final set of bullets. "Determine if the  
22 claimants understand the dose reconstruction

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1 process, its results and the differences  
2 between the dose reconstruction and SEC  
3 processes."

4 MR. KATZ: Some of this is  
5 redundant because we've already asked do they  
6 understand dose reconstruction, do they  
7 understand the SEC processes. I don't know,  
8 the compare and contrast probably isn't  
9 needed.

10 MS. ROBERTSON-DEMERS: That's what  
11 I was saying earlier.

12 MR. KATZ: Yes.

13 CHAIRMAN GIBSON: So you think we  
14 have all of these bullets adequately covered?  
15 Then we'll just delete them.

16 MR. KATZ: The end.

17 DR. MAKHIJANI: The end. Well,  
18 there was -- Wanda, you were going to make a  
19 bullet out of one paragraph at the top.

20 MEMBER MUNN: I have not rewritten  
21 it. I will send it to you by mail.

22 DR. MAKHIJANI: So, okay. So I

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1 just have that paragraph highlighted that  
2 Wanda will send sentence and Wanda will  
3 convert it.

4 MEMBER MUNN: That's correct. I  
5 have a note to that effect. I will rewrite  
6 that one paragraph up in Item Number 1.

7 DR. MAKHIJANI: Okay. So that's  
8 in my notes and I'll send that.

9 CHAIRMAN GIBSON: Now we'll move  
10 to the discussion --

11 (Laughter.)

12 MR. ELLIOTT: You're trying to get  
13 the Mark Griffon award for task master. The  
14 Wanda award.

15 MR. KATZ: Actually, I'm kind of  
16 impressed, Mike.

17 MR. ELLIOTT: You've done a very  
18 good job, Mike. So what is it that you want  
19 to discuss now?

20 CHAIRMAN GIBSON: Action items and  
21 adjournment. Arjun, how long do you think it  
22 would take to give you adequate time to put

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1 this in a finalized type form so you could  
2 mail it out?

3 DR. MAKHIJANI: I can give it to  
4 you right now.

5 MEMBER BEACH: Perfect, we can  
6 work another hour.

7 DR. MAKHIJANI: Actually, I'm  
8 writing the email to send you the document.  
9 It's in edit mode. I should probably spell-  
10 check it before sending it to you. But I'll  
11 send it before I leave.

12 CHAIRMAN GIBSON: Here's what I  
13 was thinking. If we get it out to the Work  
14 Group members and Ted and everyone and maybe  
15 give us two or three days to look it over.  
16 Would it be possible for us to have a  
17 conference call before the Board meeting to  
18 just finalize this? Because I'd like us to  
19 adopt something and have it ready, prepared to  
20 present to the Board.

21 MR. KATZ: I'm just wondering if  
22 you can't do this by email without it.

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1 Because everybody has sort of agreed on  
2 everything that we've talked about. Now all  
3 we're talking about probably is copy editing  
4 which is not substantive, you don't need a  
5 working meeting to do copy editing.

6 CHAIRMAN GIBSON: So then, like in  
7 the next few days if Arjun gave that to me,  
8 I'll look it over first and I'll send it out  
9 to the Work Group members and everyone.  
10 Unless there are any objections then we'll  
11 consider that our product. Sound good?

12 MR. KATZ: It doesn't have to be -  
13 - I mean, really, I'm sure it will more than -  
14 - represent the idea, the basic ideas for the  
15 Board to give it consideration. I mean,  
16 everything doesn't have to be perfect.

17 DR. MAKHIJANI: Mike, do you want  
18 me to go and everywhere where we have  
19 "workers" kind of fix? Because I haven't done  
20 that. I haven't gone and checked for  
21 consistency where we talk. I can send -- do  
22 you want me to fix that? If I send it now --

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1                   MR. KATZ:    No, don't send it out  
2                   now.   Give it a good read-through.

3                   DR. MAKHIJANI:    I'll read through  
4                   it.

5                   MR. KATZ:        You may find other  
6                   gaps.

7                   CHAIRMAN GIBSON:   Yes, we can get  
8                   this the first of next week or so.   We still  
9                   have plenty of time to distribute it.

10                  DR. MAKHIJANI:    Okay.

11                  MEMBER BEACH:     Excuse me.    This  
12                  requires a vote by the Board, correct?

13                  CHAIRMAN GIBSON:     For them to  
14                  adopt that.

15                  MEMBER BEACH:     And the new mission  
16                  statement.    So I'm wondering if you wouldn't  
17                  want to send it out to the Board members ahead  
18                  of the meeting also to give people a chance?

19                  MR. KATZ:     Can I just say, I mean  
20                  the Board -- I mean, I think you want their  
21                  approval of the mission statement, but as far  
22                  as the Work Plan, I mean I don't know whether

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1 they have to actually vote on your Work Plan.  
2 You may want to change your Work Plan as you  
3 go along, you may find some things are not  
4 feasible to actually evaluate once you get  
5 into the nitty-gritty of it and so on. I  
6 think it's enough to provide it for their  
7 comment and so on, but I don't think the Board  
8 -- I just don't imagine the Board actually  
9 voting on -- putting a stamp on this is the  
10 plan.

11 CHAIRMAN GIBSON: Yes. I didn't  
12 think -- I haven't talked to them, but okay.

13 MR. KATZ: Yes, yes. So then the  
14 Board can discuss and give any input it wants  
15 but without really.

16 MEMBER BEACH: So we just need to  
17 amend the statement.

18 MR. KATZ: The charge, yes. Now,  
19 that part is a Board vote.

20 MEMBER BEACH: And then do we need  
21 to start thinking about how we're going to do  
22 this, or are we going to save that for another

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1 day? Like for thinking about just how we're  
2 going to actually do this work. Because we've  
3 already started, I mean, we've already started  
4 attending meetings and so those things are  
5 kind of left hanging in a way, in a sense.

6 CHAIRMAN GIBSON: We need to do  
7 that and we need to think about another  
8 meeting to get back to these other issues that  
9 we didn't have time for today.

10 MR. KATZ: I think we need to  
11 schedule another meeting.

12 CHAIRMAN GIBSON: Do we want to  
13 look at some dates now, or do you want to  
14 wait?

15 MR. KATZ: Whatever your pleasure  
16 is. I can get my BlackBerry out and turn it  
17 on.

18 CHAIRMAN GIBSON: Okay, let's do  
19 that.

20 MR. KATZ: If people have their  
21 calendars. We don't have Phil so we may have  
22 to just tentatively do something.

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1                   MEMBER BEACH:     Phil told me he's  
2     always available.

3                   MR.     JOHNSON:             While     we're  
4     pondering on that, what was the question that  
5     Antoinette had?         Clarification     of     dose  
6     reconstructions?

7                   MR.     KATZ:     Can I get that to you?  
8     I mean, I have it in my -- I wrote notes down.

9                   MR.     JOHNSON:     Larry's here and you  
10    know he wanted to see if he could respond to.

11                  MR.     KATZ:     Oh, I see what you're  
12    saying.     Hold on.

13                  MR.     JOHNSON:     I think it required  
14    an additional individual.

15                  MR.     KATZ:             So     Antoinette's  
16    question.     Antoinette, if you're on the phone,  
17    I don't mean to ask a question that you can  
18    ask directly.     Are you there?     I don't think  
19    she is.     But was what technical assistance --  
20    well, her question was sort of should NIOSH be  
21    providing some sort of expert advisor to help  
22    claimants understand the dose reconstruction

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1 report. I think that captures her question.

2 CHAIRMAN GIBSON: Similar to some  
3 of the other --

4 MR. KATZ: How should OCAS be  
5 helping the claimants understand their dose  
6 reconstruction reports. That was her  
7 question.

8 CHAIRMAN GIBSON: I just told her  
9 we would pass the question on to you.

10 MR. ELLIOTT: She knows how to get  
11 a hold of me and she can write me an email,  
12 but essentially you know we have discussed,  
13 debated and conferred about this issue over  
14 the course of time. You can go back and read  
15 the preamble of the regulation and see some of  
16 the thoughts that were offered there about  
17 providing assistance to claimants in  
18 understanding dose reconstruction. We have  
19 chosen to -- with the resources that we have  
20 to offer many ways for the claimants to  
21 contact us and many opportunities for  
22 claimants to ask us questions or to follow up

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1 with us on whatever they might find confusing  
2 or poorly communicated. That's been our  
3 approach. Every piece of correspondence,  
4 every interaction we have with claimants or  
5 petitioners we offer our contact information.

6 Our website provides the opportunity and the  
7 ability for claimants and petitioners to  
8 contact us through that mechanism. We have an  
9 800 number. We welcome comments on our  
10 technical documents through our docket or  
11 through our website. We stand ready and  
12 willing to help anybody who wants to ask us a  
13 question.

14 MR. JOHNSON: I'd like to add two  
15 other issues or elements to that. One is that  
16 we've added increased explanation in the dose  
17 reconstruction as to why it is the way it is  
18 and if it changed, why it changed. Secondly,  
19 we also have the closeout interview which we  
20 have experts that understand the dose  
21 reconstruction process, been involved in  
22 radiological situations and are able to

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1 attempt to explain the issues that these folks  
2 have in the final closeout. So we have those  
3 two aspects, one we've improved on and the  
4 other one we've always had.

5 MR. ELLIOTT: And that's very  
6 good. Thank you for pointing that out, J.J.  
7 Let me take that one step further. In our  
8 effort to continuously improve our  
9 communication efforts we have changed -- we're  
10 in the process of changing our dose  
11 reconstruction report format to be more  
12 readable and more understandable to the  
13 claimant audience and not lose -- at the same  
14 time not lose the technical aspects and the  
15 nature that are relevant to the report and  
16 that could serve to inform an expert or a  
17 knowledgeable health physicist on how we did  
18 our work. So that is forthcoming, ORAU our  
19 contractor is tooling up to start delivering  
20 those modified, revised new dose  
21 reconstruction reports, and I'm anxious to see  
22 that happen soon.

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1                   MR. KATZ:    Just to do justice to  
2                   the comment she made, I just recall sort of  
3                   another aspect of it.    What she said as  
4                   preface to the comment was that DOL has some  
5                   sort of experts on hand with respect to cancer  
6                   diagnosis or something that when a claimant  
7                   needs they can speak to some medical expert  
8                   about their condition or something like that.

9                   So she had I think very specifically in mind,  
10                  you know, whether OCAS would have some expert  
11                  available and I think your answer just now was  
12                  the person who does the closeout interview  
13                  with the person is an expert to speak  
14                  specifically to the -- what's in the dose  
15                  reconstruction.

16                  MR. ELLIOTT:   And that's just one  
17                  opportunity.    The closeout interview is just  
18                  one opportunity where an expert can be brought  
19                  to bear on a question that's raised.    And  
20                  certainly we could point to other ample  
21                  opportunities that are there.    Any time a  
22                  claimant calls us we can put them in touch

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1 with somebody that has knowledge of the site  
2 and has the ability, we hope, to explain  
3 effectively what we've done in reconstructing  
4 their dose.

5 MR. KATZ: Thanks for bringing  
6 that back up.

7 MR. JOHNSON: I didn't want it  
8 hanging over my head.

9 MR. ELLIOTT: It's on the record,  
10 it's on the transcript now, so.

11 MR. KATZ: I've got my calendar  
12 up, but give me a scope for where we're  
13 thinking.

14 DR. MAURO: Ted, this is John.  
15 I'm sorry to interrupt, I know you're coming  
16 to closure. Could I get a quick feedback from  
17 the Work Group whether I or SC&A should  
18 continue to pursue the possibility of bringing  
19 the aboard this fellow David Bidwell to help  
20 us do the things that we've all been talking  
21 about today.

22 MR. KATZ: John, Mike had

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1 suggested that that would be an item for the  
2 next time the Work Group meets.

3 DR. MAURO: That's fine.

4 MR. KATZ: I think we're out of  
5 gas.

6 DR. MAURO: I understand, I just  
7 wanted to make sure that I mentioned that.

8 MR. KATZ: Yes. So that's not  
9 forgotten, to be sure, but that -- we'll  
10 address that at the next Work Group meeting.

11 DR. MAURO: That's fine.

12 CHAIRMAN GIBSON: There's a Dose  
13 Reconstruction Subcommittee meeting the fifth.

14 MEMBER BEACH: There's a Linde on  
15 the fourth.

16 MR. KATZ: That week is  
17 slaughtered. That's November 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>.

18 MS. ROBERTSON-DEMERS: If you want  
19 me to be able to attend you're going to be out  
20 to --

21 MR. KATZ: To what?

22 MS. ROBERTSON-DEMERS: If you want

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1 Abe to attend, you're going to have to push it  
2 out to the second week.

3 MEMBER BEACH: I'm not available  
4 the second week. And did you say you were  
5 not, Arjun?

6 DR. MAKHIJANI: I am not, but you  
7 know, I don't have to be here. There are two  
8 of us here. Unless you want me here.

9 CHAIRMAN GIBSON: What about the  
10 third week of November? Wanda's Procedures  
11 group is the 17<sup>th</sup>, right?

12 MEMBER MUNN: Yes and INL is the  
13 16<sup>th</sup>. We could do it on the 18<sup>th</sup>.

14 MS. HOWELL: That's the week we're  
15 out.

16 MEMBER MUNN: I didn't hear that.

17 MR. KATZ: I think just people  
18 were talking about their own particular  
19 schedules. So the 16<sup>th</sup> and 17<sup>th</sup> are booked,  
20 the 18<sup>th</sup> and 19<sup>th</sup> are out of -- can't be done.

21 So the only day that week, the remaining day  
22 that week would be the 20<sup>th</sup> and that's the day

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1 before Thanksgiving week. So that's the  
2 Friday before Thanksgiving week.

3 CHAIRMAN GIBSON: It's up to all  
4 you guys who have to travel.

5 DR. MAKHIJANI: How about the  
6 second or third or something like that?

7 CHAIRMAN GIBSON: The third is  
8 selection day.

9 MR. ELLIOTT: OCAS can't  
10 participate on the third.

11 MR. KATZ: Can't do it on the  
12 third. Is that new, Larry?

13 MR. ELLIOTT: Yes.

14 MR. KATZ: I never saw it on my  
15 calendar.

16 MR. ELLIOTT: Just here this  
17 morning.

18 MR. KATZ: Okay, but what is the  
19 second?

20 MEMBER BEACH: So I'm gone on the  
21 fifth. Well, the second we'd have to travel  
22 on Sunday.

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1 MR. KATZ: No, we're talking about  
2 December now. December. I thought you  
3 suggested. So December, Wednesday the second.  
4 How would that work for people?

5 MEMBER BEACH: That's fine for me.

6 MR. KATZ: How is that for you  
7 Mike, Kathy?

8 CHAIRMAN GIBSON: Yes.

9 MEMBER MUNN: Okay here.

10 MR. KATZ: Does that work for you,  
11 Emily?

12 MS. HOWELL: Yes.

13 MR. KATZ: So you want to --  
14 should we do it? December 2?

15 CHAIRMAN GIBSON: Yes.

16 MR. KATZ: Great. December 2,  
17 Outreach Work Group. Done.

18 MEMBER BEACH: Ted, I've noticed  
19 that the Linde Work Group meeting hasn't gone  
20 out yet and it was going to go out this week,  
21 the notification. It hasn't come out.

22 MR. KATZ: Oh, I hadn't looked,

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1 but I can check on that. Let me check on  
2 that. Linde notification. That's for  
3 November 4. Let me check, thank you.

4 MS. HOWELL: And the INL Work  
5 Group meeting is November 16.

6 MEMBER MUNN: What are you saying  
7 about the INL meeting? Cancelled on the 16<sup>th</sup>?

8 MEMBER BEACH: For Phil's Work  
9 Group?

10 MR. KATZ: Oh, right.

11 MEMBER BEACH: Yes, I think there  
12 was an email that that wouldn't be ready until  
13 April.

14 MR. KATZ: No, you're right.  
15 There was an email, I forgot. Larry sent out  
16 an email saying --

17 MR. ELLIOTT: I said that NIOSH  
18 wouldn't be able to, you know, have our  
19 reactions, our position fully developed to the  
20 profile review.

21 MR. KATZ: Till the new year, you  
22 said, right? Not April.

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1                   MEMBER BEACH:    Yes, I had heard  
2                   after the first.  Phil said today till April,  
3                   so that's why I said April.

4                   MR. ELLIOTT:  There's a portion --  
5                   I proportioned out what we're targeting as --  
6                   there's the internal and external dose that  
7                   should be done by the first of the year.  Then  
8                   the rest of the site profiles later in the  
9                   year, like in April.  That doesn't mean there  
10                  couldn't be a meeting if you all have  
11                  something to discuss, it's just that we're not  
12                  going to be able to put on the table our  
13                  reactions.

14                  MR. KATZ:  Well, yes.  Okay, so  
15                  INL, I need to get notice out that INL is off  
16                  for that date.  So then there's just the  
17                  Procedures.  Okay.

18                  MEMBER MUNN:  Well, now I know  
19                  we've already established a date in December,  
20                  but I was going to see if INL is not meeting  
21                  on the 16<sup>th</sup> could Worker Outreach meet on the  
22                  16<sup>th</sup>?  But that's not here nor there.

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1                   MR. KATZ:     No, I mean that's a  
2     reasonable question.   November 16, does that  
3     work for people?

4                   MEMBER BEACH:    So what was wrong  
5     with the 17<sup>th</sup>?

6                   MR. KATZ:     The 17<sup>th</sup> is Procedures.

7                   MEMBER MUNN:    Procedures.

8                   MEMBER BEACH:    Oh, okay.    That's  
9     another weekend.

10                  MR. KATZ:     That would mean you  
11     traveling on Sunday, which is not great.   So  
12     why don't we stick with December then.   Stick  
13     with December.   Josie doesn't need to lose a  
14     Sunday.

15                  MEMBER BEACH:    Or Kathy.

16                  MR. KATZ:     Or Kathy.    Or me.

17                  DR. MAKHIJANI:   Can I follow up on  
18     something Josie said?   She was, you know, we  
19     were talking about how to implement some of  
20     this stuff and the fact that we already have  
21     attended one meeting.   Mike, I just wanted to  
22     look for some direction from you as to where

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1 we go with that. You know, Kathy has her  
2 notes, I have my notes, Josie was there too.  
3 You know, there are some ideas about what we  
4 might do with that. You know, not the  
5 specific notes from that meeting because it  
6 might be premature to kind of send out reports  
7 without an agreed format, but we could think  
8 about that and maybe SC&A could, if you want,  
9 Kathy and I could put our heads together with  
10 Abe or John and suggest something to you at  
11 least so far as we have come in that meeting  
12 and the Weldon Spring meeting that Kathy went  
13 to, if you want, or not.

14 MEMBER BEACH: Well, Mike attended  
15 the meeting also.

16 DR. MAKHIJANI: Mike. Oh you were  
17 at Weldon Spring? Santa Susana? Between us  
18 all we've three different meetings so we could  
19 possibly begin the process -- because this is  
20 going to be pretty complicated. If you want  
21 we could.

22 CHAIRMAN GIBSON: If you want to

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1 discuss some ideas to get at stuff we should  
2 have time on the next agenda.

3 DR. MAKHIJANI: Okay.

4 MR. KATZ: But think about a  
5 framework for reporting out this information,  
6 keeping in mind, you know, what its purpose  
7 is, to inform the evaluation project.

8 CHAIRMAN GIBSON: Right. Anything  
9 else? We're done.

10 MR. KATZ: We're adjourned. Thank  
11 you everyone.

12 (Whereupon, the above-entitled  
13 matter went off the record at 4:44 p.m.)

14  
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22

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