



## ADVISORY BOARD ON RADIATION AND WORKER HEALTH

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January 20, 2011

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The Honorable Kirsten Gillibrand  
United States Senate  
531 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Gillibrand:

This letter is in response to your letter dated November 12, 2010, regarding the Linde Special Exposure Cohort (SEC) petitions filed under Part B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA).

Your letter raised two issues of concern about the program. The first is the timeliness of the initial evaluation of the Linde Special Exposure Cohort petitions. The Advisory Board on Radiation and Worker Health (the Board) shares this concern about the length of time that some initial SEC evaluations take, and also the time that the Board then takes to complete its review of the NIOSH evaluation report. The Board is currently working with NIOSH on a comprehensive review of NIOSH activities under Part B of EEOICPA. One focus of this review is the identification and evaluation of any potential changes to the program that may decrease the amount of time that these reviews take. While there are usually significant technical and scientific issues that must be resolved in the SEC petition evaluation process, we agree with you that this must be balanced with the needs of the petitioners to receive timely evaluation of their petitions.

Your other issue regards the re-opening of claims after the revision of the site profile. NIOSH has a process for reviewing the impact of site profile changes on individual dose reconstructions that were completed before the site profile revision. NIOSH then works with the Department of Labor to reopen any claims that might be affected by such changes. However, this re-opening process is often complicated by the outcome of the SEC class determination because the determination may render some changes to the site profile irrelevant. We anticipate that the more timely review of the SEC petitions will also help to address this problem. In addition, the Board will work with NIOSH to clarify the review procedures to ensure that claimants impacted by site profile changes have their claims addressed in a timely manner.

The Board continues to make progress on our review of the Linde Special Exposure Cohort petitions. We expect to conclude our review and make our recommendation on Linde Special Exposure Cohort Petition 00107 to the Secretary of HHS at our February Board meeting. The Board appreciates your interest and concerns about these matters. If we can provide any further assistance, please contact us.

Thank you for your continued interest in NIOSH activities under Part B of EEOICPA and the activities of the Board.

Sincerely,

[Signature on file]

James M. Melius, M.D., Dr. Ph.  
Chairman, Advisory Board on Radiation and  
Worker Health

cc: Senator Schumer