

# Energy Employees Occupational Illness Compensation Program Act



## NIOSH Advisory Board Presentation

St. Louis, Missouri

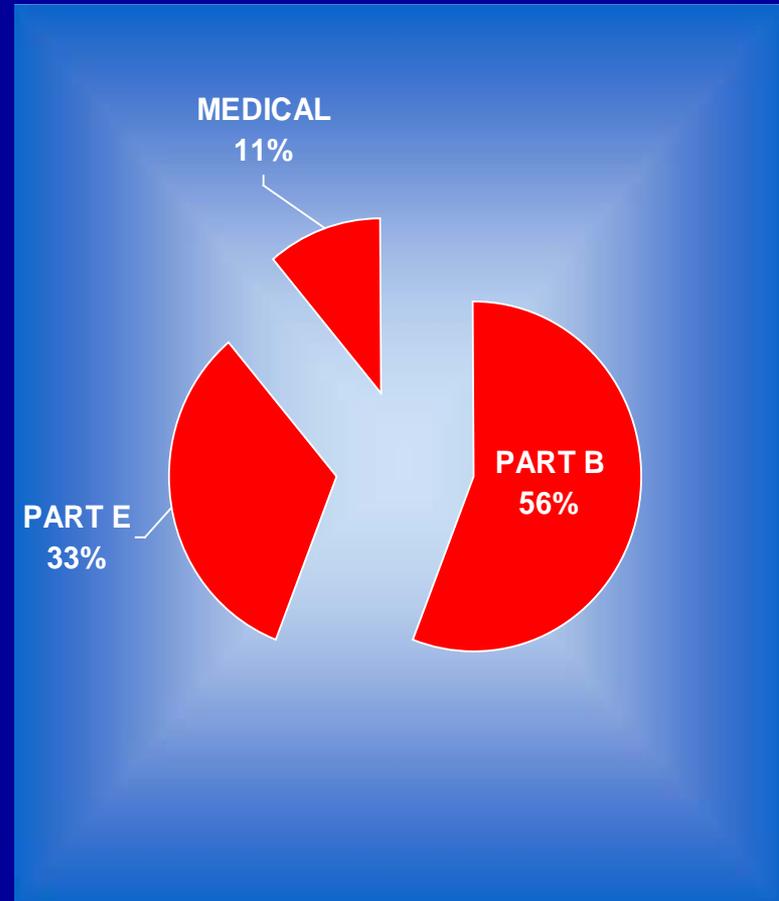
May 2011

# Enactment of EEOICPA

- **Enacted October 2000**
  - Part B, mandatory federal entitlement, by DOL
  - Part D, state workers comp. assistance, by DOE
- **Amendments October 2004**
  - Abolished Part D, created federal Part E, transferred to DOL
- **143,870 cases filed, over \$7 billion total compensation paid to date**
- **Agencies: Labor, Energy, HHS, Justice**
- **DOL locations**
  - DC, Jacksonville, Cleveland, Denver, and Seattle

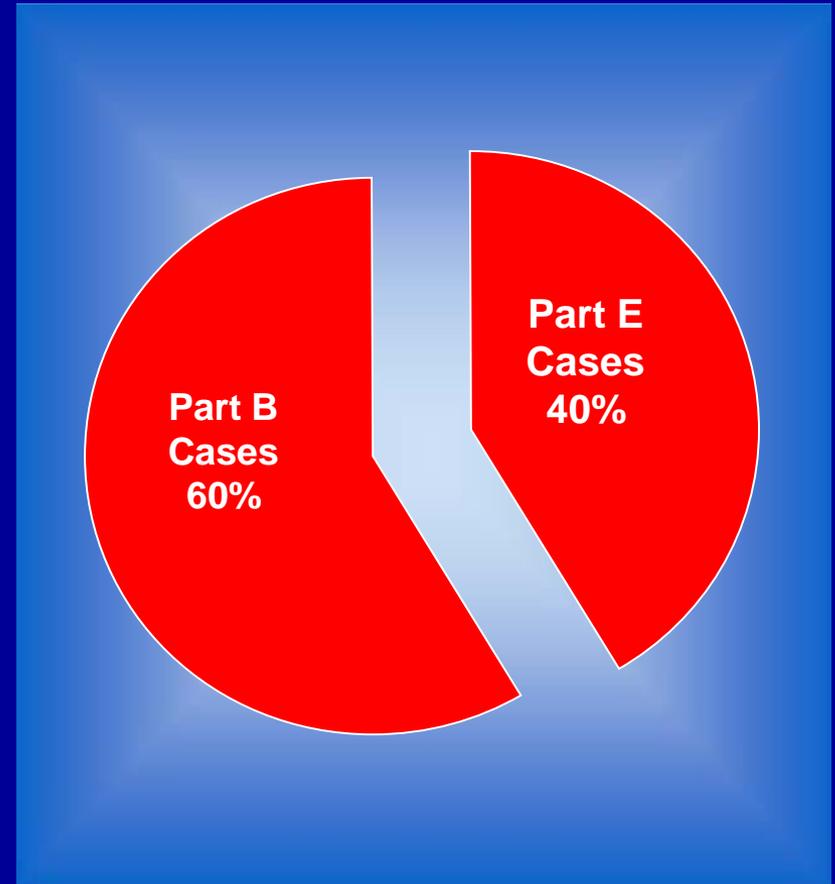
# EEOICPA COMPENSATION

- \$7 Billion Total Compensation
- \$3.93 Billion Part B
- \$2.32 Billion Part E
- \$784 Million Medical



# PAID CASES UNDER THE EEOICPA

- 69,741 Payees in 51,464 Part B and E Cases
- 47,856 Part B Payees in 30,895 Cases
- 21,885 Part E Payees in 20,569 Cases



# Employee Eligibility

Employed By	Part B	Part E
DOE Contractors and Subcontractors	Yes	Yes
DOE Federal Employees	Yes	No
AWE Employees	Yes	No
Beryllium Vendors	Yes	No
RECA	Yes	Yes

# Covered Conditions

Condition	Part B	Part E
CBD	Yes	Yes
Beryllium Sensitivity	Medical Monitoring Only	Yes
Chronic Silicosis	Yes	Yes
Cancer	Yes	Yes
Any condition related to toxic exposure	No	Yes

# Survivor Definition

Type	Part B	Part E
Spouse at time of death	Yes	Yes
Children - under age 18; under age 23 if full-time student; or any age if medically incapable of self-support	Yes	Yes
Adult Children	Yes	No

# Benefits

Part B	Part E
\$150,000 Employee + Survivor	Impairment \$2,500 per % (Employee)
\$50,000 RECA Employee + Survivor	Wage Loss \$10,000-\$15,000 per year (Employee)
	\$125,000 Survivor
\$400,000 CAP for B+E combined	

# Means of Verifying Employment

- DOE
  - EE-5 Employment Verification Form
- Oak Ridge Institute for Science and Education (ORISE)
- Center for Construction Research and Training (CPWR)
- Corporate Verifiers
- SSA wage data
- Affidavits

# **Part B: Dose Reconstruction & Probability of Causation**

- **Dose Reconstruction**
  - Conducted by NIOSH
  - Level and extent of occupational radiation dose
- **Probability of Causation (PoC)**
  - Scientific calculation of likelihood that radiation exposure caused cancer
  - NIOSH-IREP
  - PoC - 50% or greater for award

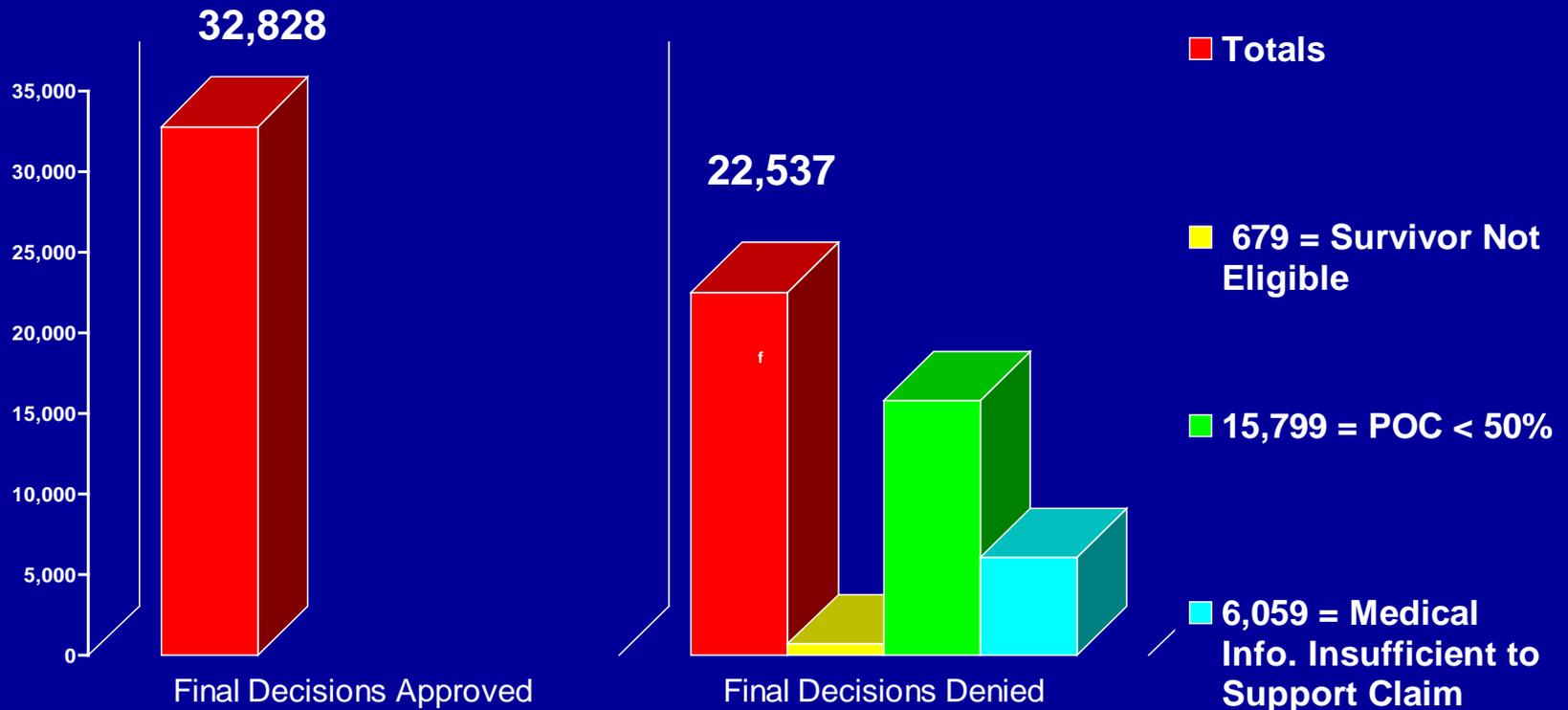
# Part B: Special Exposure Cohort

- **Worker Group Designation**
  - Presumption that occupational radiation caused cancer
- **Employment**
  - Worked particular location or specific process
  - Workdays requirement: 250 workdays
- **“Specified” Cancer**
  - 22 cancers named in law
- Employees determined to be part of a designated SEC class with a “specified cancer” do not need a NIOSH dose reconstruction

# **Part B: Adding New SEC Classes**

- **Four legislated SEC classes – 3 Gaseous Diffusion Plants, plus Amchitka**
- **NIOSH also designates new SEC classes**
  - Worker Petition or Agency Decision
  - Advisory Board Assistance
  - As of May 24, 2011, HHS has designated 72 additional SEC classes
- **DOL adjudicates SEC cases**
  - No role in designation

# EEOICPA Part B Cases Final Decisions – Covered Applications

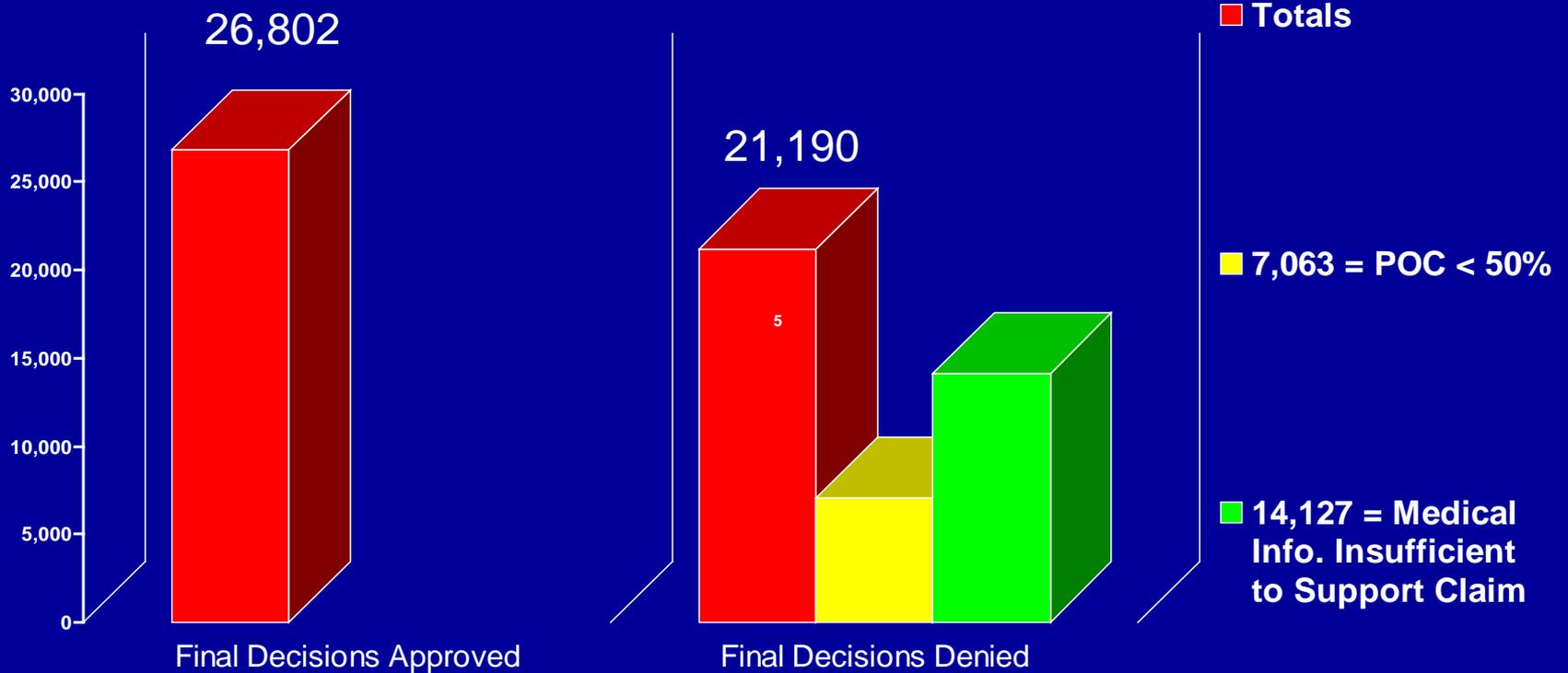


Data as of May 17, 2011

# Part E: Causation

- **Claims developed for exposure to toxic substances**
- **Causation: “At least as likely as not”**
- **Tools:**
  - Occupational History Questionnaire (OHQ)
  - Site Exposure Matrices (SEM)
  - DAR records
  - FWP work history interviews
  - Center for Construction Research & Training (CPWR)
  - DOE Physician Panel Findings
  - Other Sources: Affidavits/facility records

# EEOICPA Part E Cases Final Decisions – Covered Applications



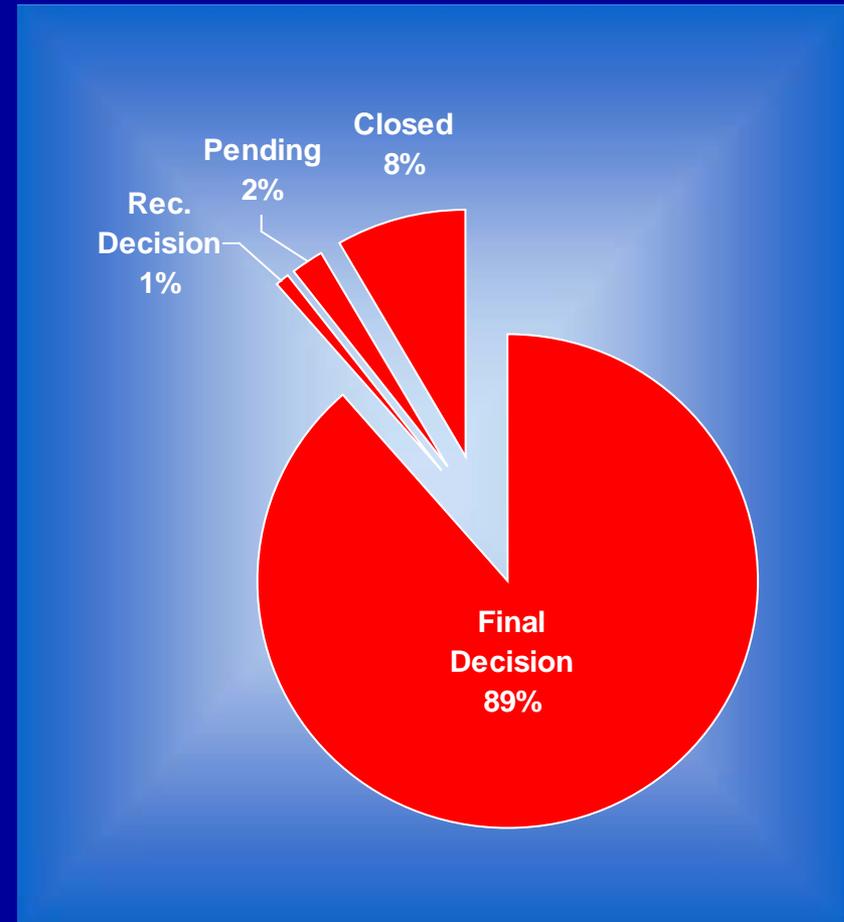
Data as of May 17, 2011

# NIOSH Referral Case Status

- **34,831 Cases Referred to NIOSH for Dose Reconstruction**
- **32,045 Cases Returned by NIOSH that are Currently at DOL**
  - 27,965 with Dose Reconstruction
  - 4,080 without Dose Reconstruction
- **2,786 Cases that are Currently at NIOSH**
  - 2,118 Initial Referrals to NIOSH
  - 668 Reworks or Returns to NIOSH

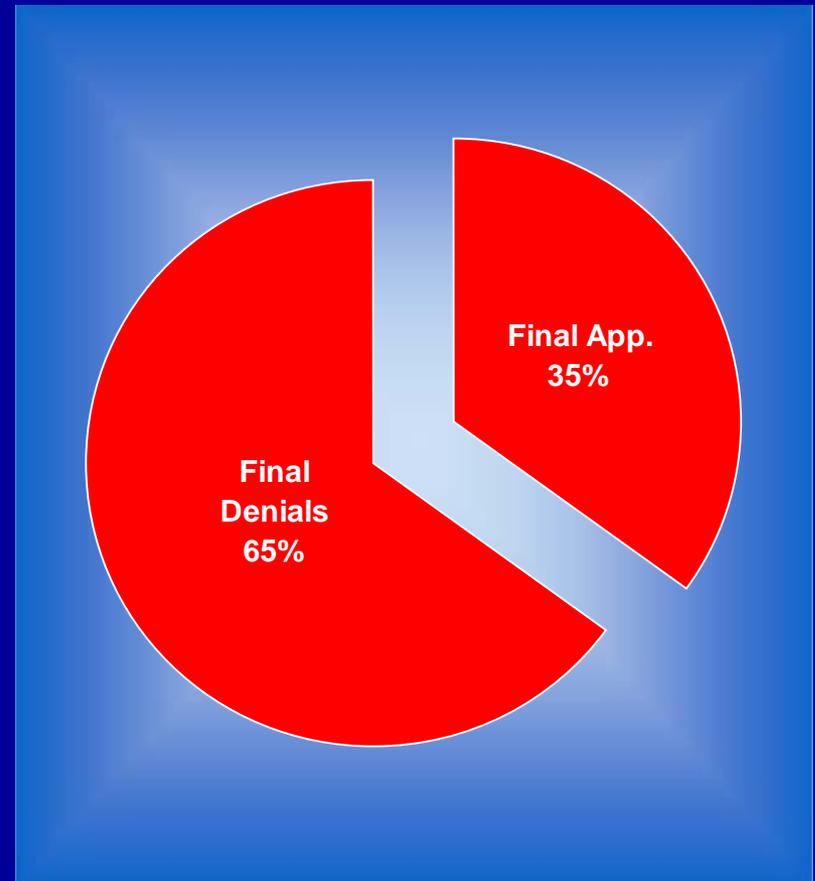
# HHS added SEC classes

- 3,344 cases withdrawn from NIOSH for SEC class review:
  - 2,965 Final Decisions issued  
2,872 Final Approvals
  - 24 Recommended but no Final Decision
  - 80 Cases Pending
  - 275 Cases Closed



# NIOSH Dose Reconstruction Case Status

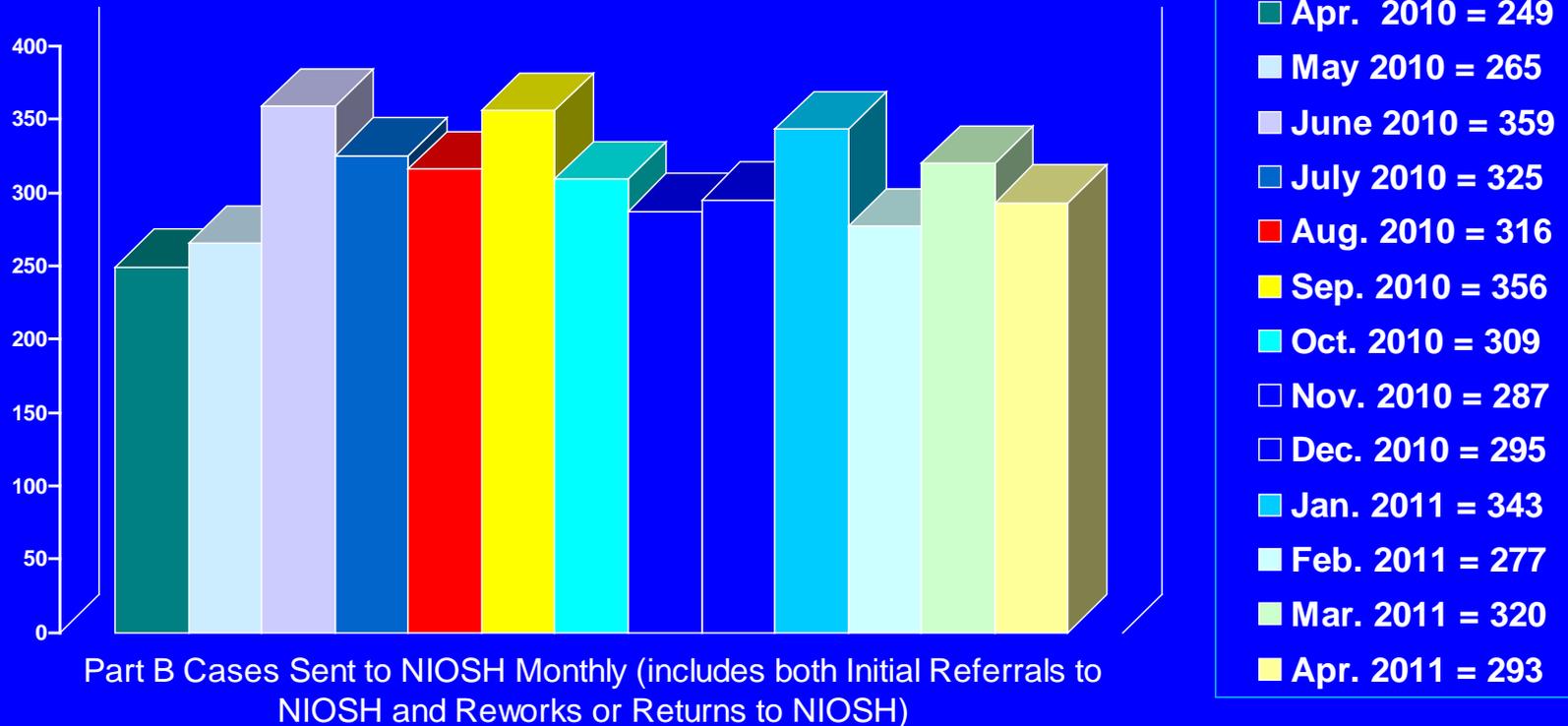
- **32,045 Cases returned by NIOSH that are currently at DOL w/ a Dose Reconstruction (DR)**
- **23,321 Cases w/ DR and a Final Decision**
  - **8,141 Final Approvals (POC 50% or Greater)**
  - **15,180 Final Denials (POC less than 50%)**



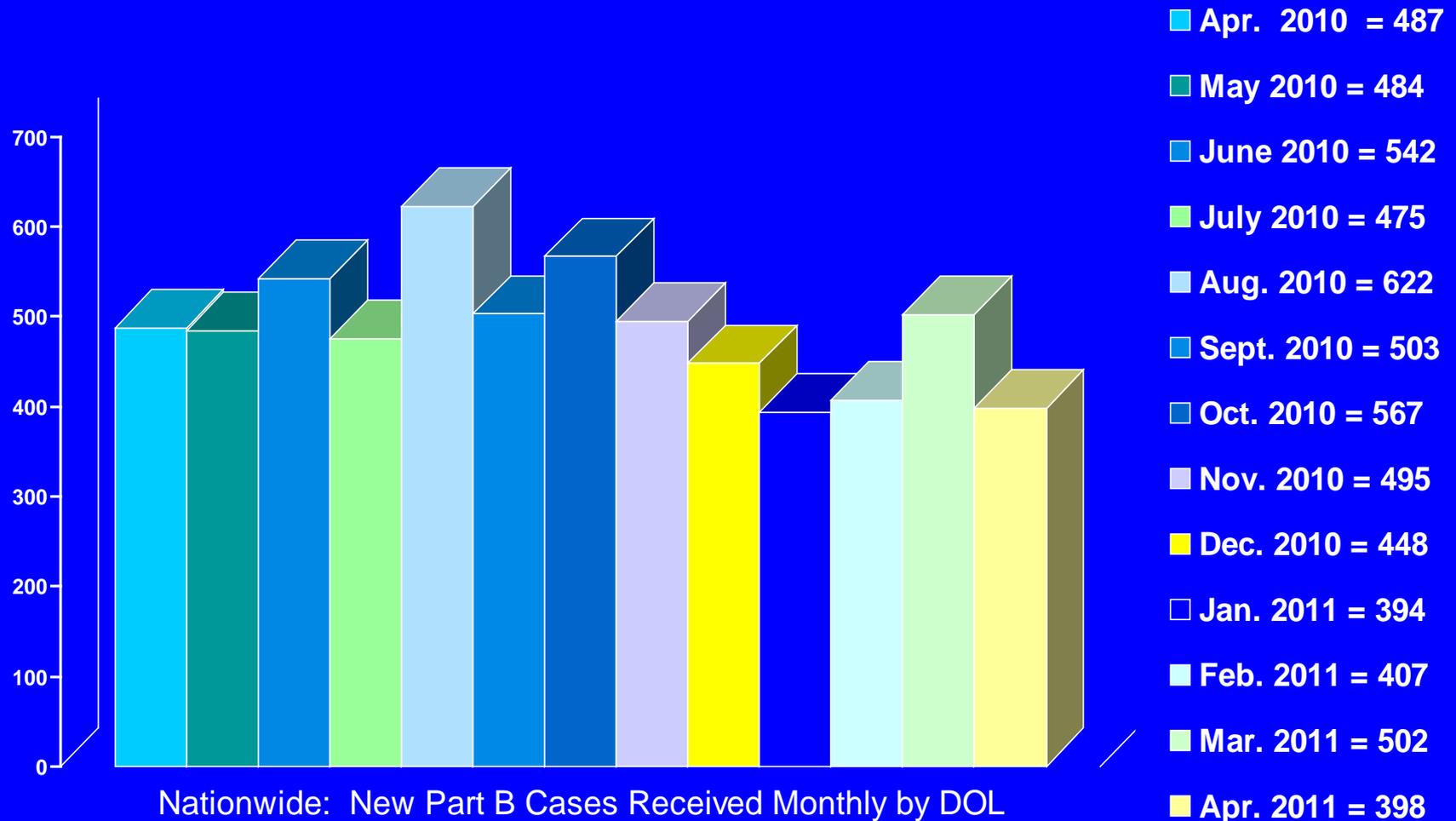
# Part B Cancer Cases with Final Decision to Accept

- Accepted DR Cases – 7,653
  - 10,813 Payees
  - \$ 1.13 Billion in Compensation
- Accepted SEC Cases – 13,691
  - 22,489 Payees
  - \$2.02 Billion in Compensation
- Cases Accepted Based on SEC Status and POC 50% or Greater – 488
  - 609 Payees
  - \$72.9 Million in Compensation
- Totals: All Accepted SEC and DR Cases – 21,832
  - 33,911 Payees
  - \$3.2 Billion in Compensation

# Part B Cases Sent to NIOSH Monthly



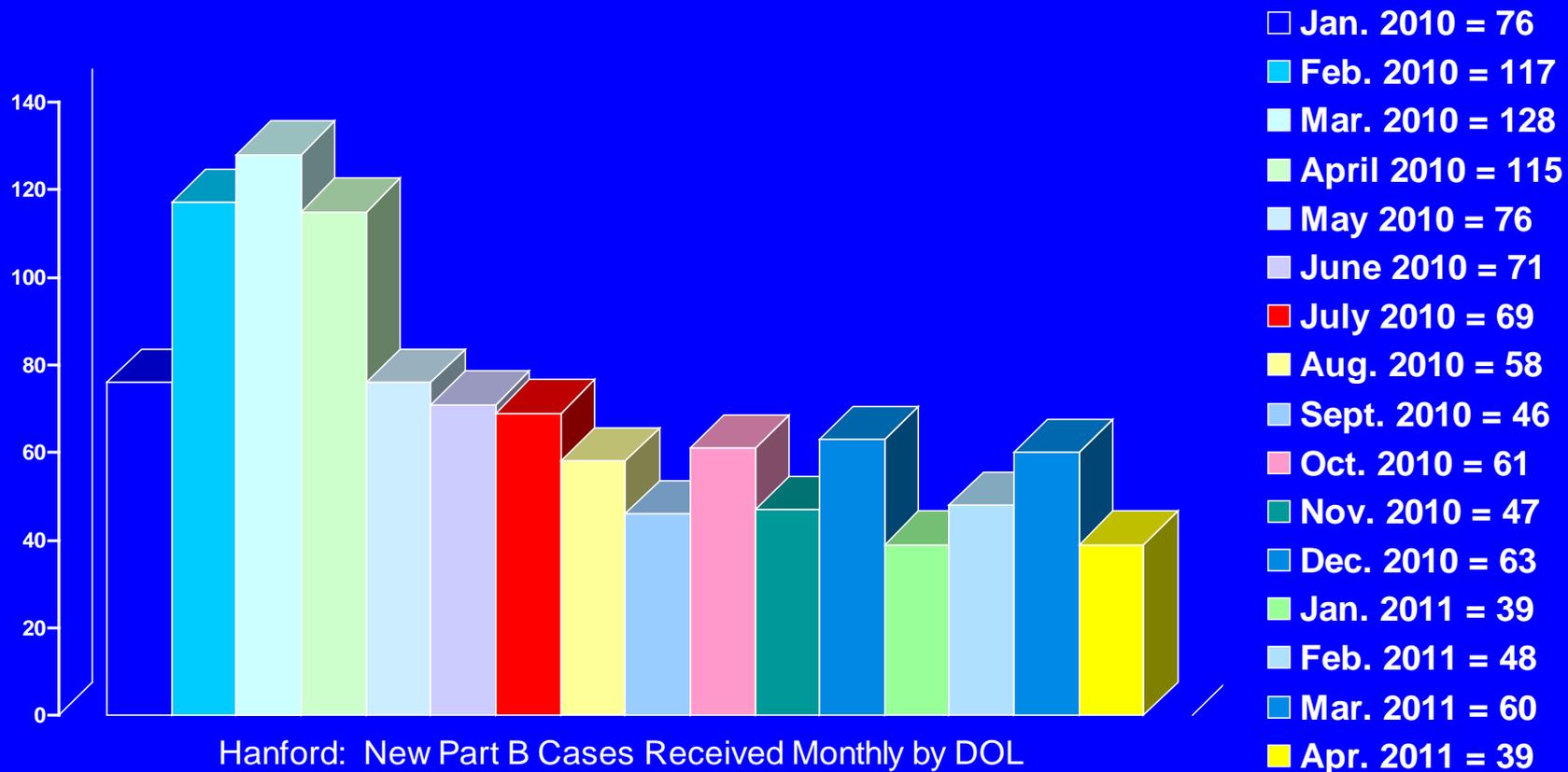
# New Part B Cases Received Monthly by DOL



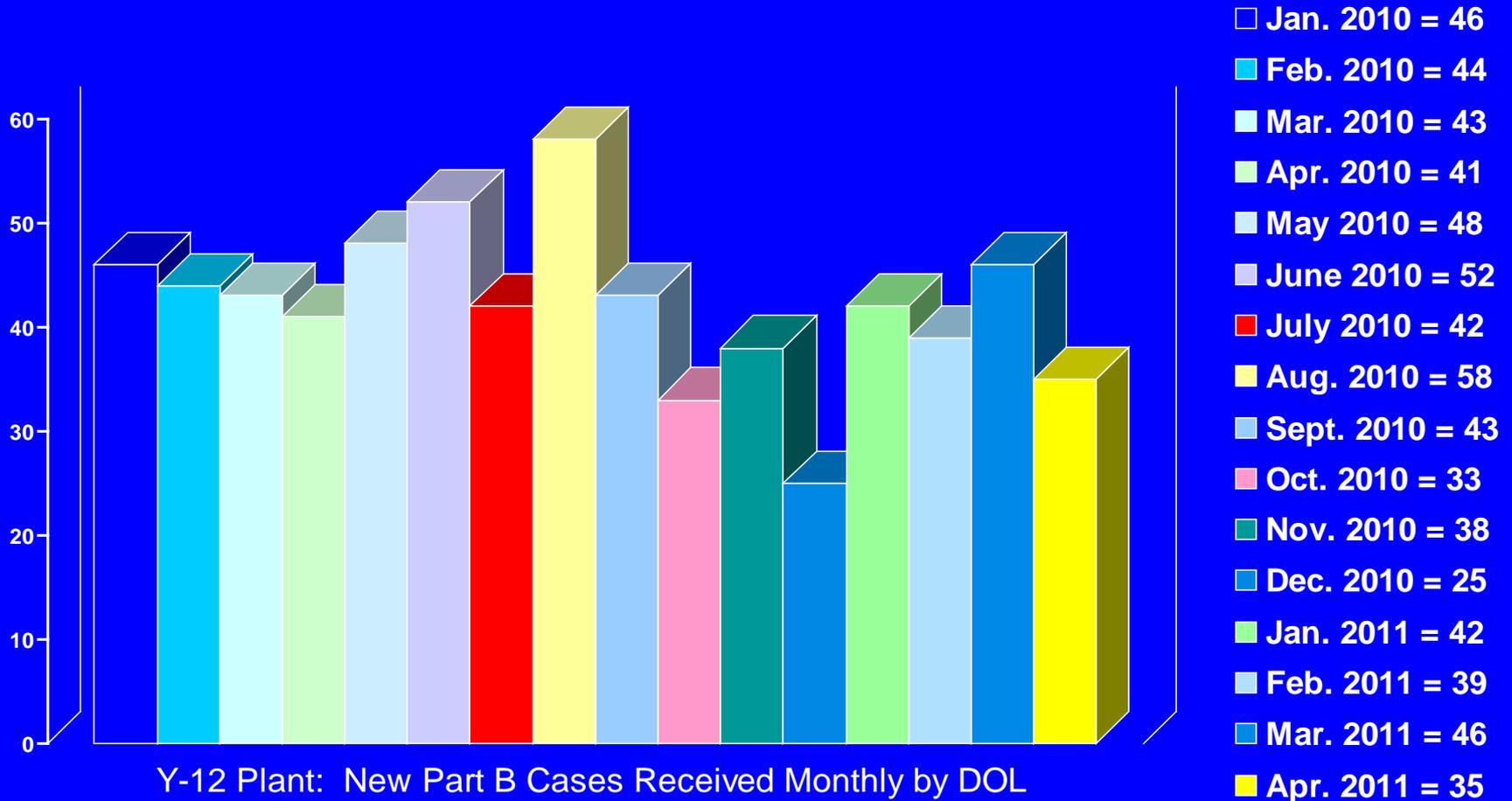
# Top Four Worksites

- The top 4 worksites generating new Part B EEOICPA cases are:
  - Hanford
  - Y-12
  - Oak Ridge Gaseous Diffusion Plant (K-25)
  - Bethlehem Steel (Lackawanna, NY)

# Hanford: New Part B Cases Received Monthly by DOL

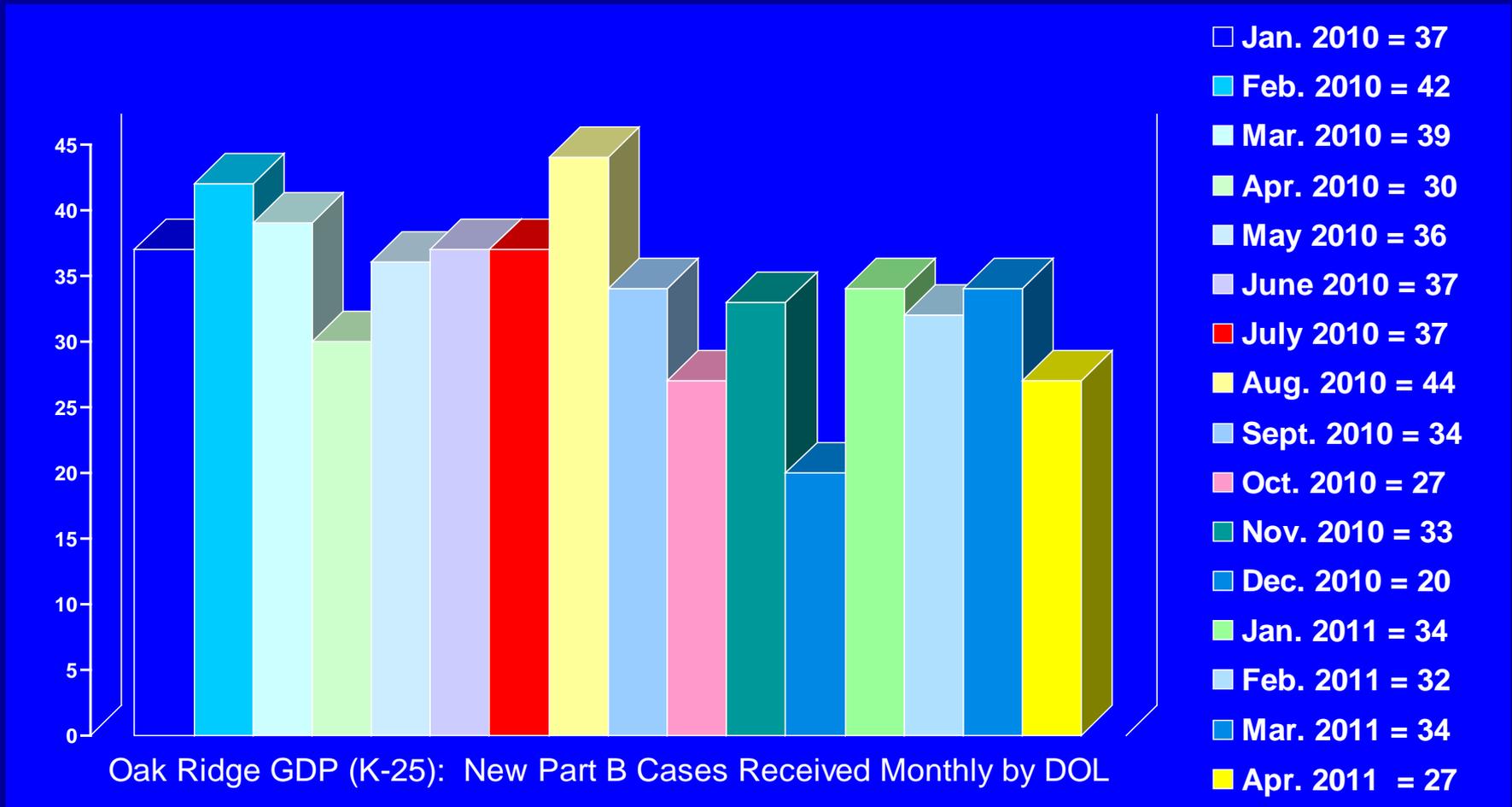


# Y-12 Plant: New Part B Cases Received Monthly by DOL

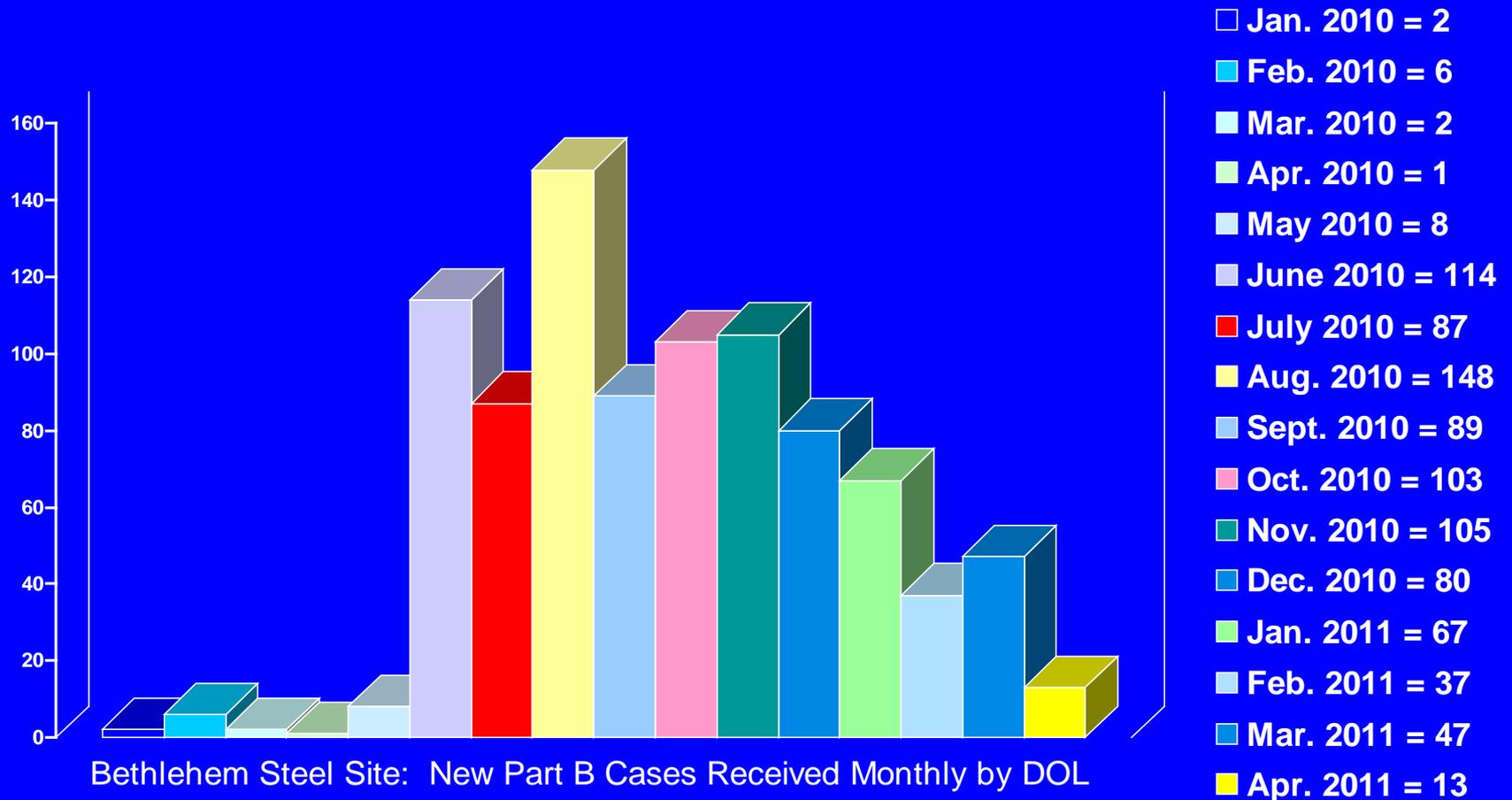


Data as of May 3, 2011

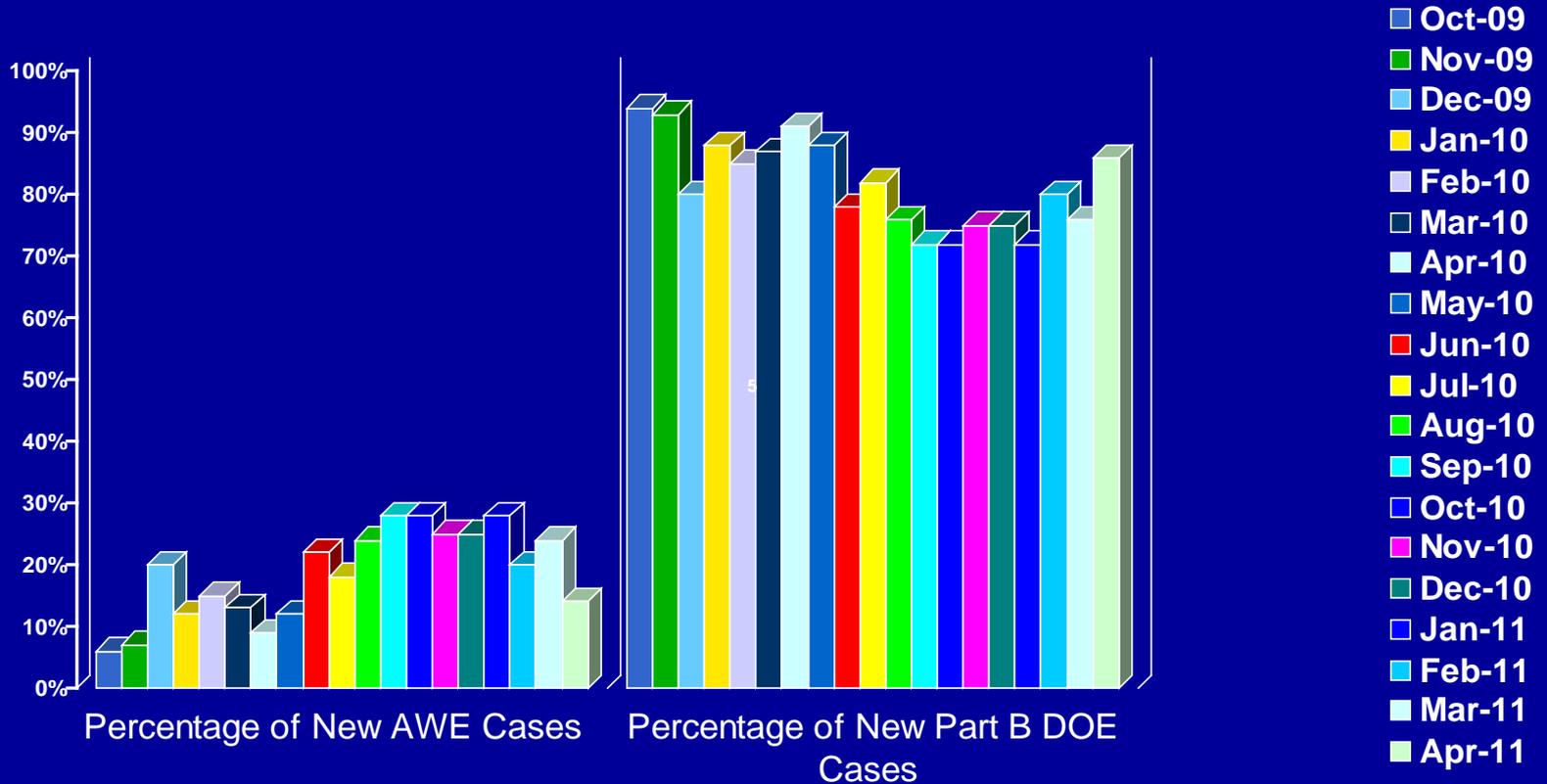
# Oak Ridge GDP (K-25): New Part B Cases Received Monthly by DOL



# Bethlehem Steel Site: New Part B Cases Received Monthly by DOL



# Percentage of New AWE Cases & Part B DOE Cases Received Monthly by DOL



# SEC Petition Site Discussions ABRWH Agenda May 2011

	<b>FMPC</b>	<b>SRS</b>	<b>Sandia National Lab.</b>	<b>Hanford</b>
<b>Cases (Claims) Part B &amp; E</b>	<b>3,713 (4,869)</b>	<b>12,515 (16,815)</b>	<b>1,409 (1,912)</b>	<b>12,346 (19,333)</b>
<b>Cases Returned by NIOSH w/ DR</b>	<b>1,084</b>	<b>3,683</b>	<b>330</b>	<b>2,995</b>
<b>Final Decisions (Part B)</b>	<b>1,375</b>	<b>4,447</b>	<b>475</b>	<b>4,946</b>
<b>Part B Approvals</b>	<b>510</b>	<b>1,579</b>	<b>144</b>	<b>2,920</b>
<b>Part E Approvals</b>	<b>624</b>	<b>2,100</b>	<b>207</b>	<b>2,568</b>
<b>Total Comp. &amp; Medical Bills Paid</b>	<b>\$133.2 Million</b>	<b>\$442.9 Million</b>	<b>\$40.6 Million</b>	<b>\$650.2 Million</b>

Data as of May 17, 2011

# SEC Petition Site Discussions ABRWH Agenda May 2011

	GE Evendale	Weldon Spring	Kansas City Plant	Latty Avenue
<b>Cases (Claims) Part B &amp; E</b>	<b>927 (1,182)</b>	<b>1,018 (1,462)</b>	<b>1,697 (2,152)</b>	<b>34 (34)</b>
<b>Cases Returned by NIOSH w/ DR</b>	<b>49</b>	<b>203</b>	<b>358</b>	<b>2</b>
<b>Final Decisions (Part B)</b>	<b>150</b>	<b>314</b>	<b>546</b>	<b>4</b>
<b>Part B Approvals</b>	<b>40</b>	<b>166</b>	<b>196</b>	<b>0</b>
<b>Part E Approvals</b>	<b>72</b>	<b>120</b>	<b>249</b>	<b>1</b>
<b>Total Comp. &amp; Medical Bills Paid</b>	<b>\$12.9 Million</b>	<b>\$36.9 Million</b>	<b>\$30.6 Million</b>	<b>\$124,443</b>

Data as of May 17, 2011

# SEC Petition Site Discussions

## ABRWH Agenda May 2011

	Medart Co.	Mallinckrodt Destrehan St.	St. Louis Airport Storage Site
<b>Cases (Claims) Part B &amp; E</b>	<b>7 (14) Part B Only</b>	<b>1,743 (2,813)</b>	<b>55 (79)</b>
<b>Cases Returned by NIOSH w/ DR</b>	<b>4</b>	<b>254</b>	<b>5</b>
<b>Final Decisions (Part B)</b>	<b>6</b>	<b>613</b>	<b>11</b>
<b>Part B Approvals</b>	<b>2</b>	<b>426</b>	<b>3</b>
<b>Part E Approvals</b>	<b>N/A</b>	<b>264</b>	<b>1</b>
<b>Total Comp. &amp; Medical Bills Paid</b>	<b>\$305,612</b>	<b>\$93.6 Million</b>	<b>\$310,612</b>

Data as of May 17, 2011

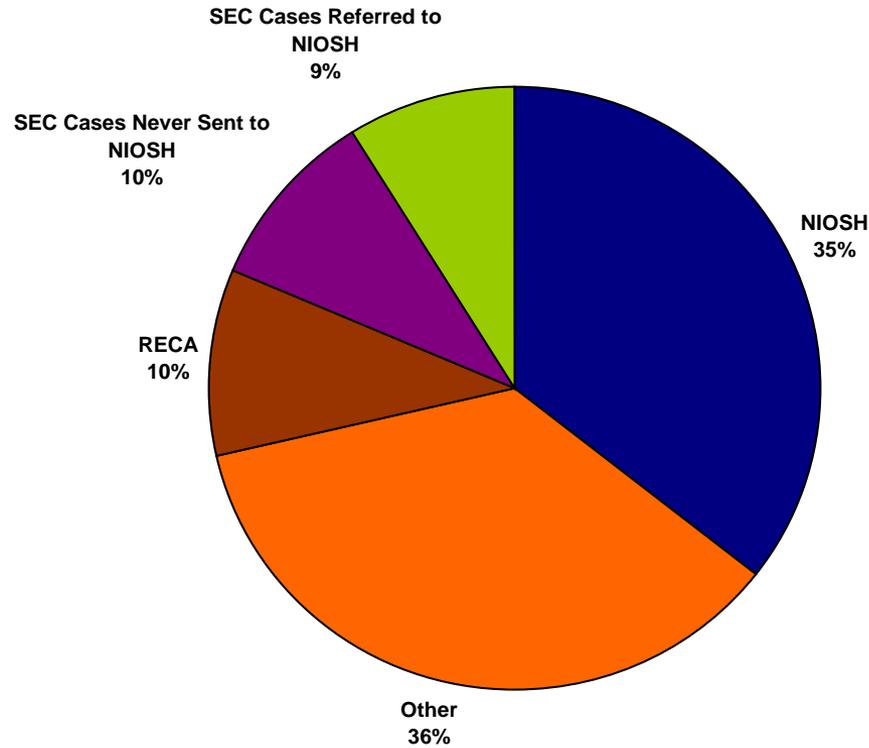
# SEC Petition Site Discussions

## ABRWH Agenda May 2011

	Spencer Chemical Co.	Tyson Valley Powder Farm	United Nuclear Corp.
<b>Cases (Claims) Part B &amp; E</b>	<b>14 (24) Part B Only</b>	<b>6 (9) Part B Only</b>	<b>155 (189) Part B Only</b>
<b>Cases Returned by NIOSH w/ DR</b>	<b>1</b>	<b>1</b>	<b>49</b>
<b>Final Decisions (Part B)</b>	<b>2</b>	<b>1</b>	<b>94</b>
<b>Part B Approvals</b>	<b>1</b>	<b>1</b>	<b>43</b>
<b>Part E Approvals</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Total Comp. &amp; Medical Bills Paid</b>	<b>\$150,000</b>	<b>\$150,000</b>	<b>\$5.9 Million</b>

Data as of May 17, 2011

# Part B Cases Filed



**QUESTIONS ?**