

NIOSH Advisory Board Presentation



Jeff Kotsch

Division of Energy Employees
Occupational Illness Compensation

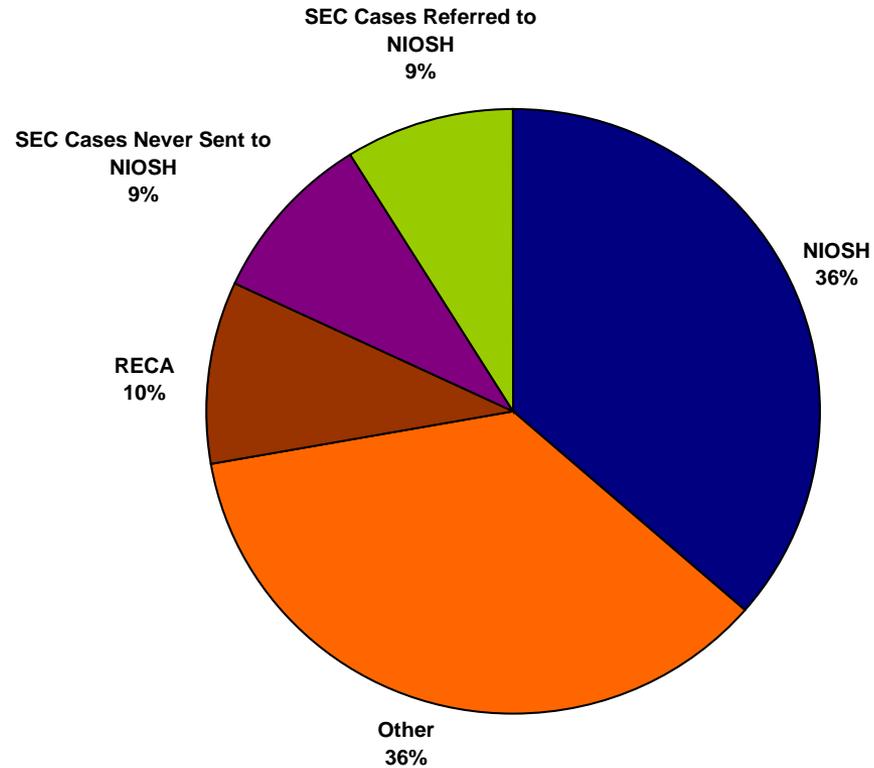
Department of Labor

December 2011

Enactment of EEOICPA

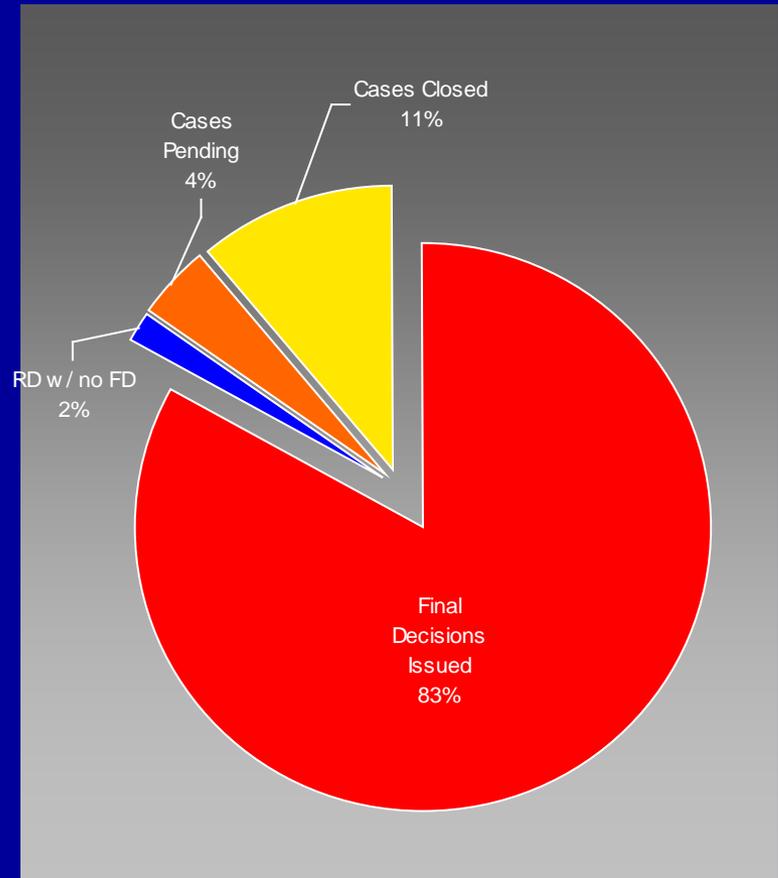
- **Enacted October 2000**
 - Part B, mandatory federal entitlement, by DOL
 - Part D, state workers comp. assistance, by DOE
- **Amendments October 2004**
 - Abolished Part D, created federal Part E, transferred to DOL
- **148,340 cases filed, over \$7.5 billion total compensation paid to date**
- **Agencies: Labor, Energy, HHS, Justice**
- **DOL locations**
 - DC, Jacksonville, Cleveland, Denver, and Seattle

Part B Cases Filed



HHS added SEC classes

- 3,666 cases withdrawn from NIOSH for SEC class review:
 - 3045 Final Decisions issued
2919 Final Approvals
 - 63 Recommended but no Final Decision
 - 150 Cases Pending
 - 408 Cases Closed

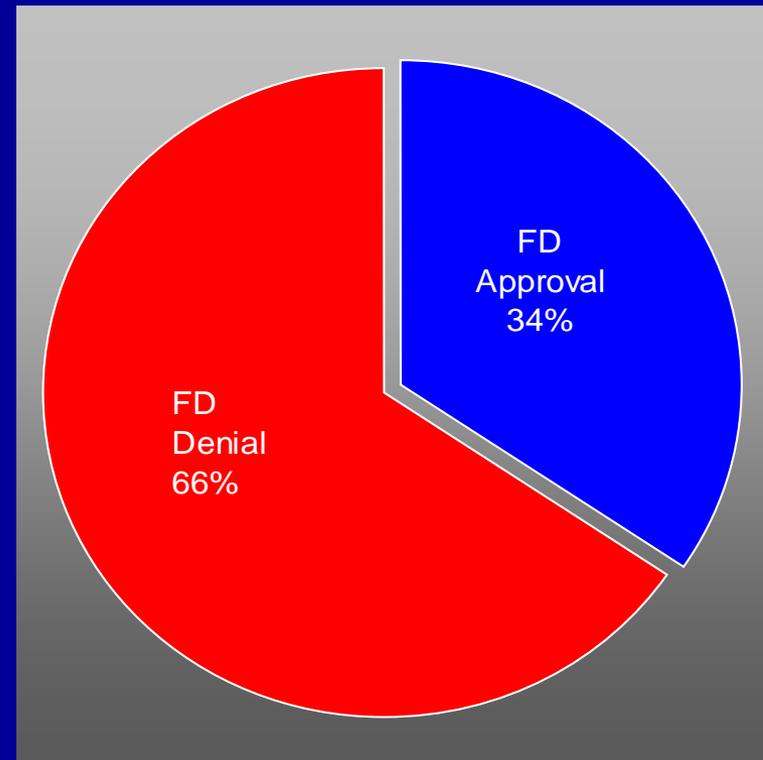


NIOSH Referral Case Status

- **36,070 Cases Referred to NIOSH for Dose Reconstruction**
- **33,922 Cases Returned by NIOSH that are Currently at DOL**
 - 29,713 with Dose Reconstruction
 - 4,209 without Dose Reconstruction
- **2,148 Cases that are Currently at NIOSH**
 - 1,524 Initial Referrals to NIOSH
 - 624 Reworks or Returns to NIOSH

NIOSH Dose Reconstruction Case Status

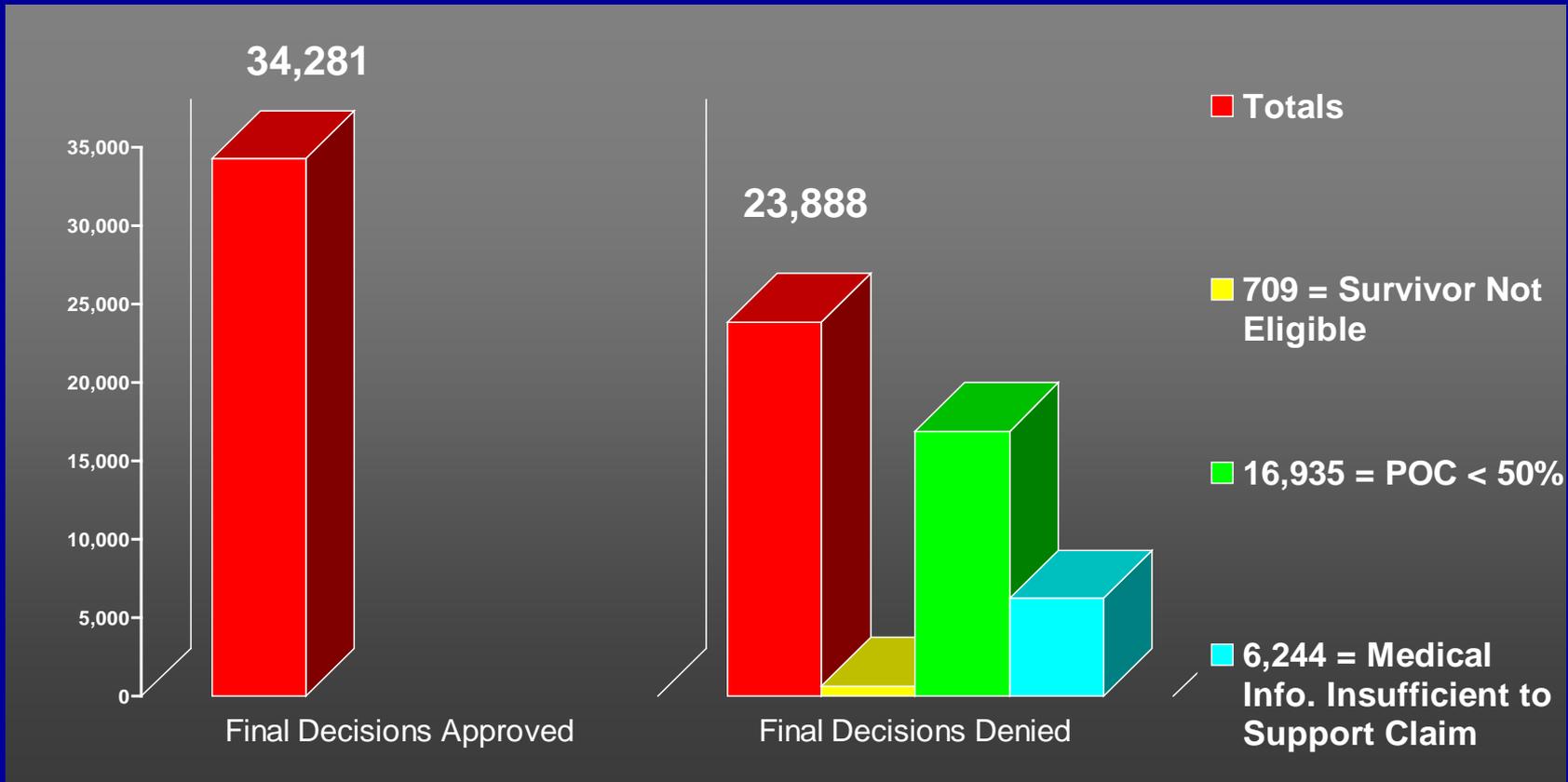
- **29,713 Cases returned by NIOSH that are currently at DOL w/ a Dose Reconstruction (DR)**
- **24,745 Cases w/ DR and a Final Decision**
 - **8,510 Final Approvals (POC 50% or Greater)**
 - **16,235 Final Denials (POC less than 50%)**



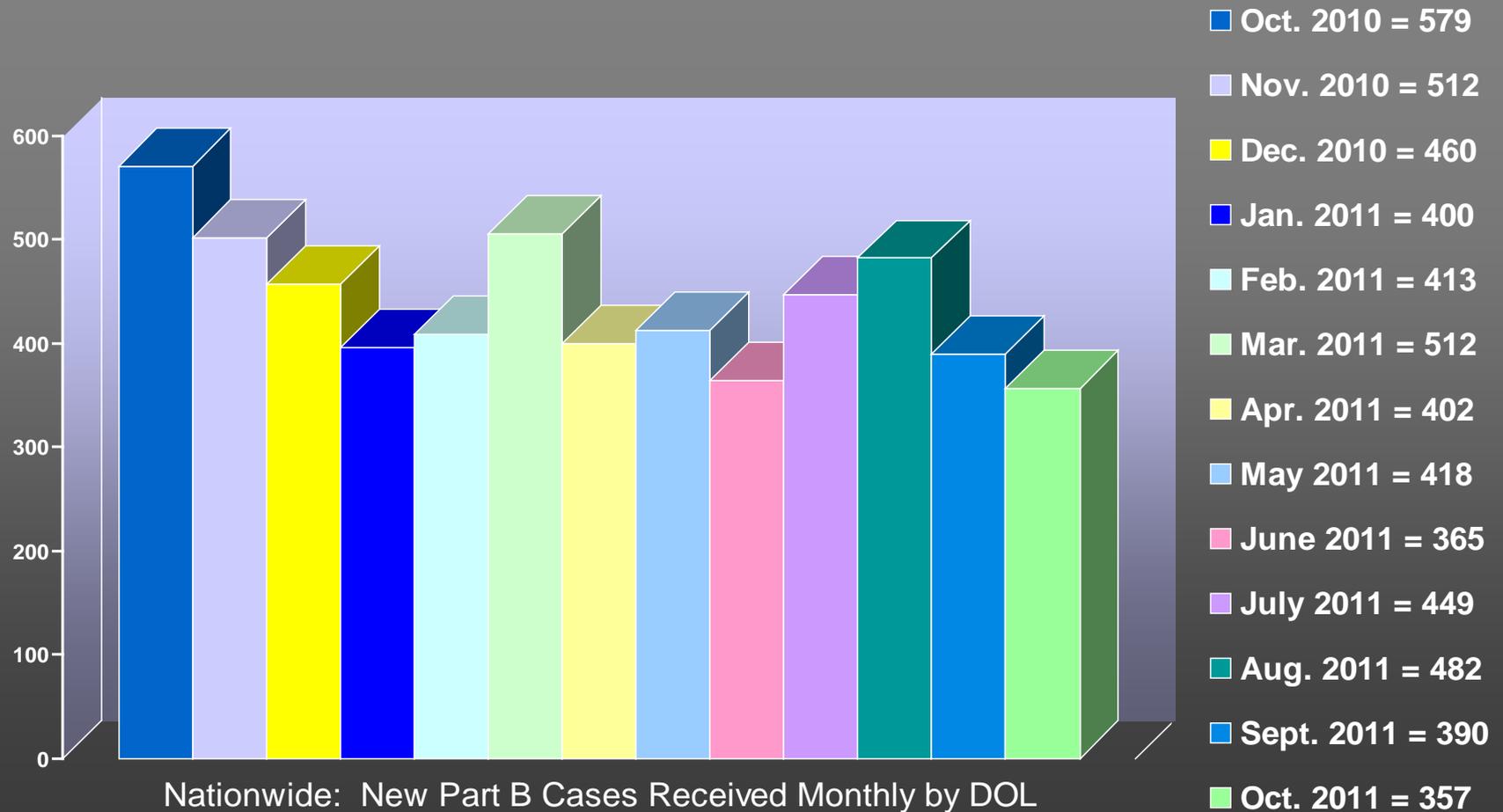
Part B Cancer Cases with Final Decision to Accept

- Accepted DR Cases – 7,987
 - 11,258 Payees
 - \$ 1.18 Billion in Compensation
- Accepted SEC Cases – 14,493
 - 24,141 Payees
 - \$2.15 Billion in Compensation
- Cases Accepted Based on SEC Status and POC < 50% - 523
 - 647 Payees
 - \$78 Million in Compensation
- Totals: All Accepted SEC and DR Cases – 23,003
 - 36,046 Payees
 - \$3.4 Billion in Compensation

EEOICPA Part B Cases Final Decisions – Covered Applications



New Part B Cases Received Monthly by DOL



QUESTIONS ?

NIOSH Advisory Board Presentation

Handout Slides
December 2011

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 |

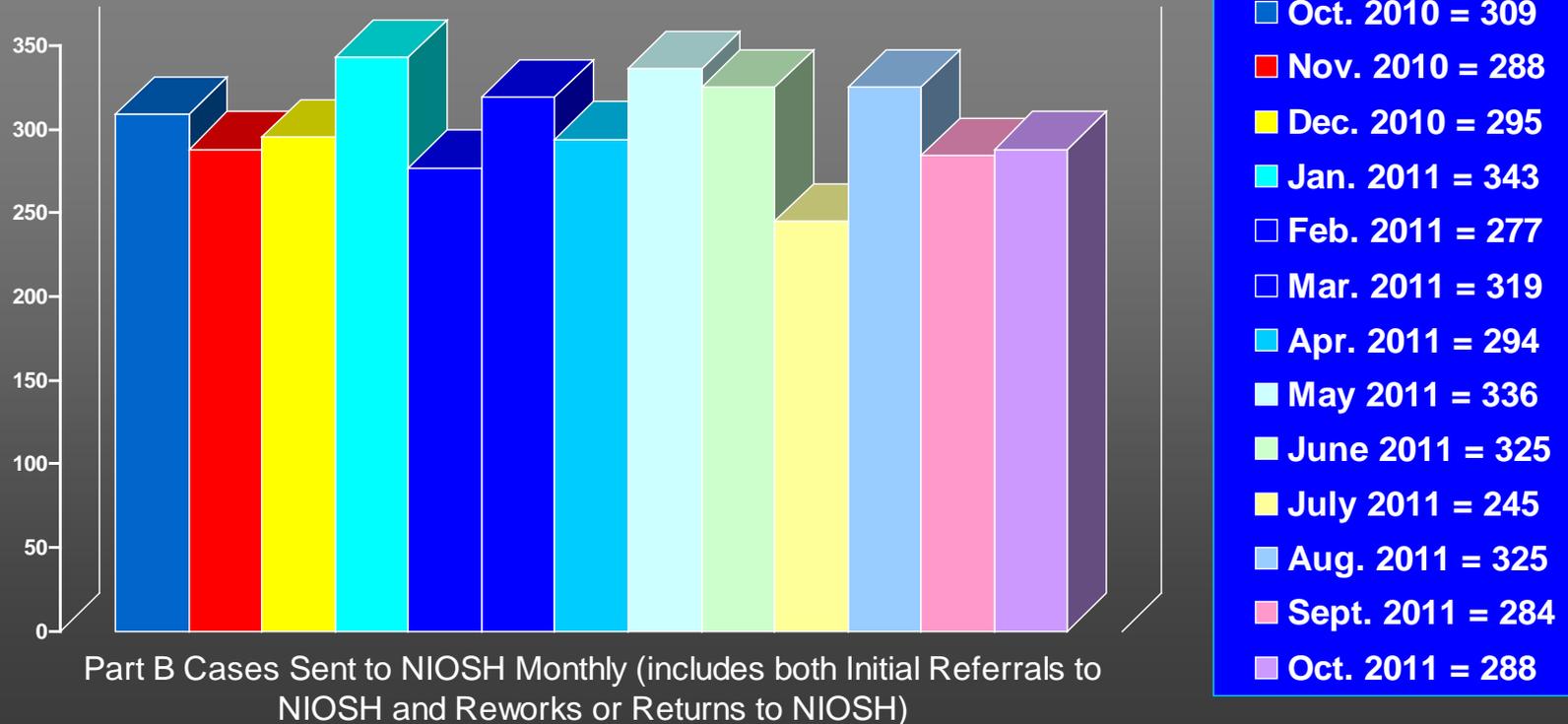
Benefits

| 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**

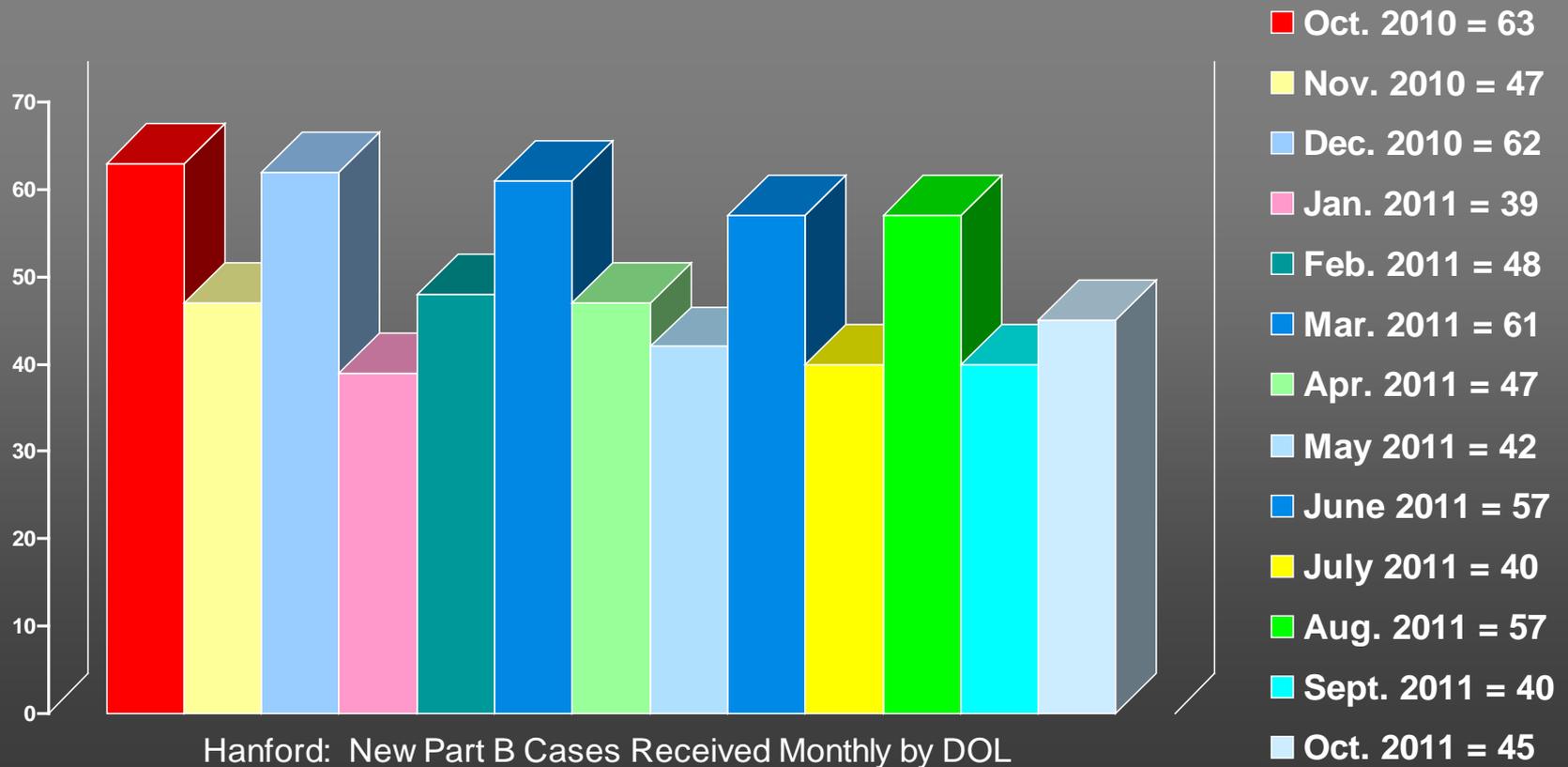
Part B Cases Sent to NIOSH Monthly



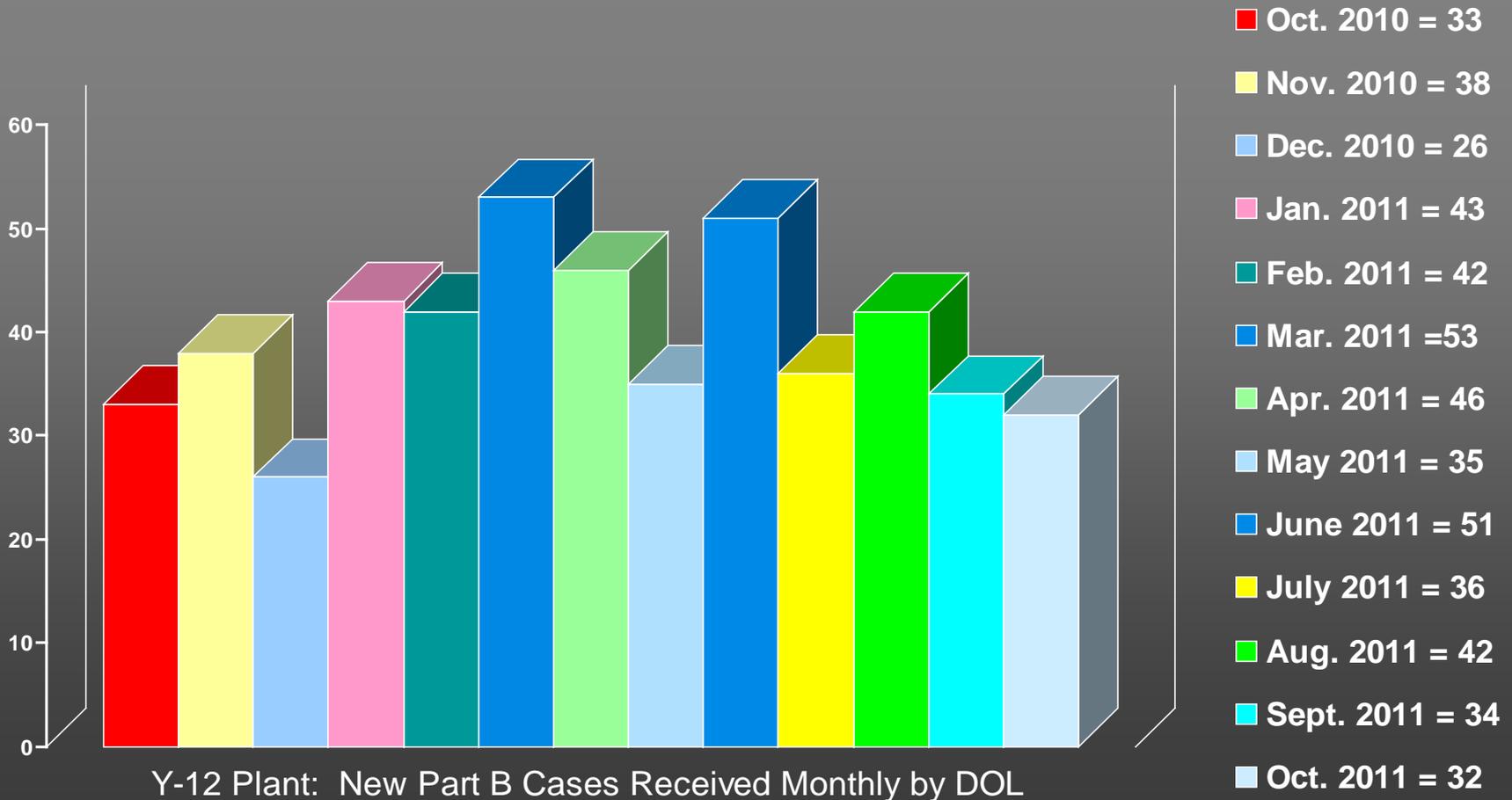
Top Four Worksites

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

Hanford: New Part B Cases Received Monthly by DOL

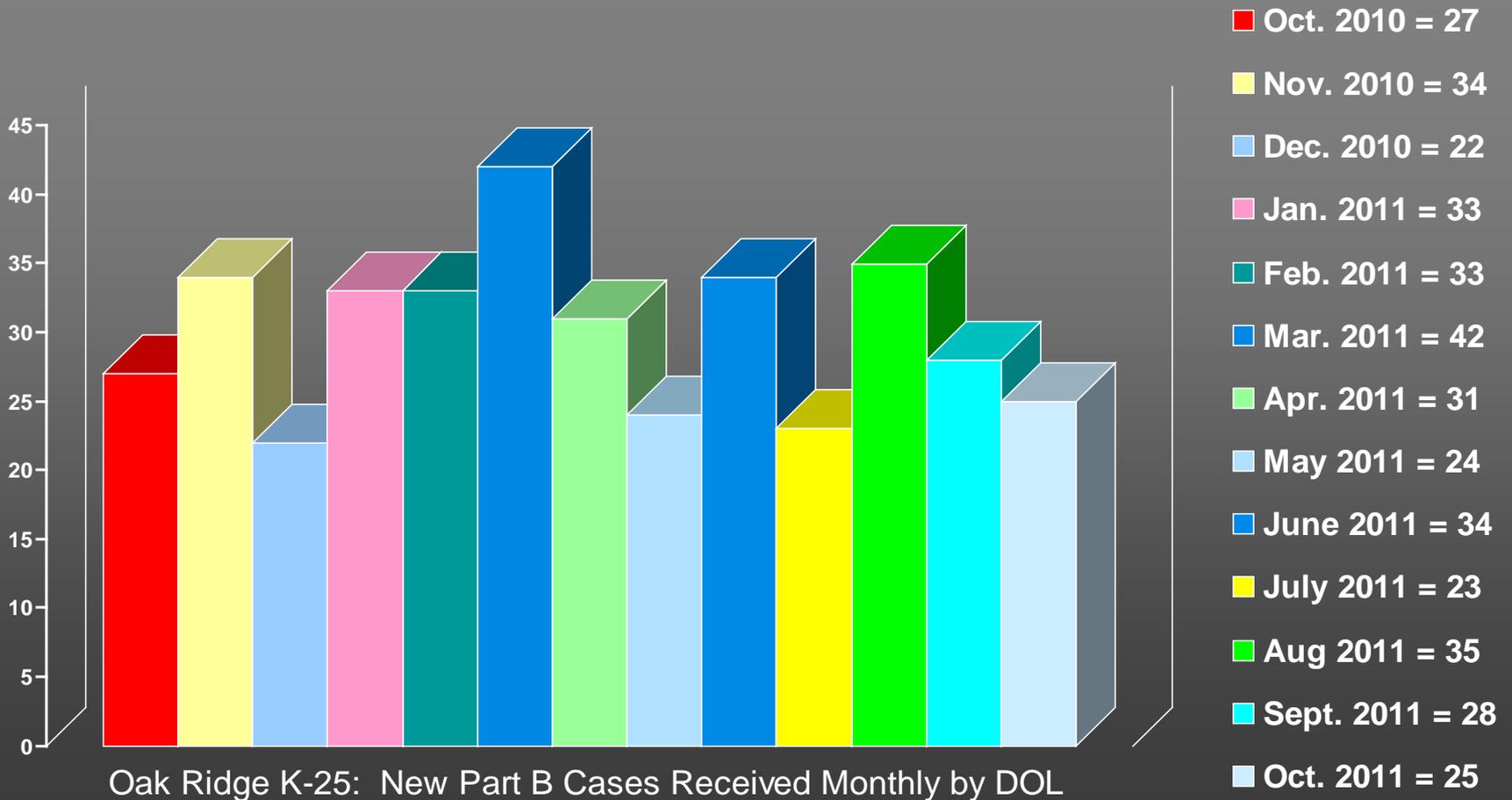


Y-12 Plant: New Part B Cases Received Monthly by DOL



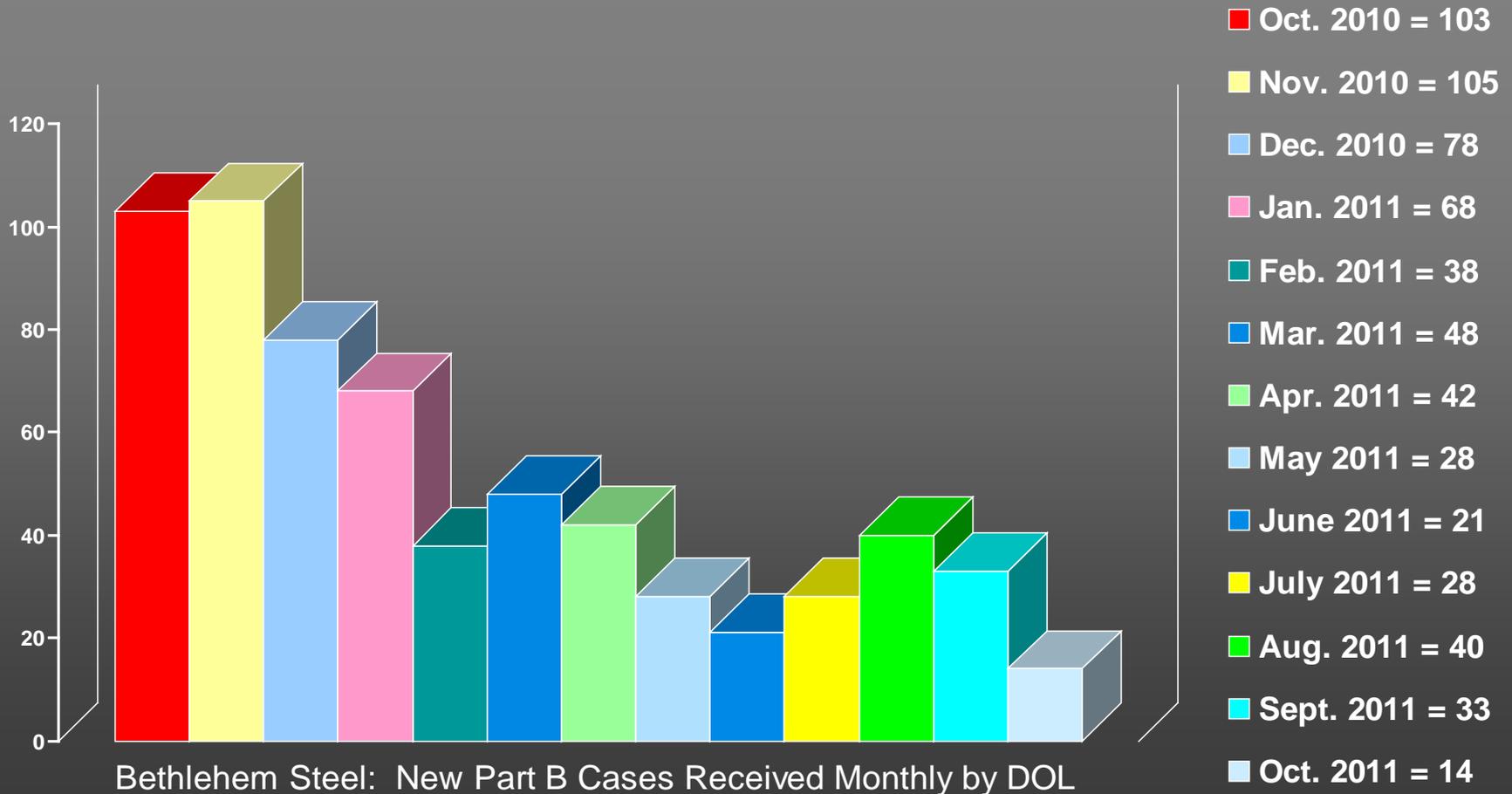
Data as of November 8, 2011

Oak Ridge K-25: New Part B Cases Received Monthly by DOL



Data as of November 8, 2011

Bethlehem Steel: New Part B Cases Received Monthly by DOL



Data as of November 8, 2011

SEC Petition Site Discussions ABRWH Agenda December 2011

| | Weldon Spring | Hooker Electrochemical | Pinellas Plant |
|---|----------------------|-----------------------------------|-----------------------|
| Cases (Claims) Part B & E | 1,033 (1,479) | 277 (427) Part B only | 1,344 (1,682) |
| Cases Returned by NIOSH w/ DR | 209 | 134 | 393 |
| Final Decisions (Part B) | 446 | 252 | 604 |
| Part B Approvals | 248 | 26 | 121 |
| Part E Approvals | 129 | 0 | 177 |
| Total Comp. & Medical Bills Paid | \$38 Million | \$2.4 Million | \$26.9 Million |

Data as of November 27, 2011

SEC Petition Site Discussions

ABRWH Agenda December 2011

| | Linde Ceramics Plant | FMPC | Savannah River Site |
|---|-------------------------|----------------------|------------------------|
| Cases (Claims) Part B & E | 584 (920) | 3,808 (5,014) | 12,941 (17,509) |
| Cases Returned by NIOSH w/ DR | 192 | 1,146 | 3,886 |
| Final Decisions (Part B) | 467 | 1,894 | 6,173 |
| Part B Approvals | 340 | 736 | 2,103 |
| Part E Approvals | 76 | 699 | 2,335 |
| Total Comp. & Medical Bills Paid | \$40 Million | \$141 Million | \$483 Million |

Data as of November 27, 2011