



ADVISORY BOARD ON RADIATION AND WORKER HEALTH

4676 Columbia Parkway, MS: C-46

Cincinnati, Ohio 45226

(513) 533-6825

November 16, 2009

The Honorable Kathleen Sebelius
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Madam Secretary:

The Advisory Board on Radiation and Worker Health (The Board) has evaluated Special Exposure Cohort (SEC) Petition 00113 concerning workers at the Brookhaven National Laboratory, in Upton, New York, under the statutory requirements established by the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and incorporated into 42 CFR Sec. 83.13 (c)(1) and 42 CFR Sec. 83.13 (c)(3). The Board respectfully recommends Special Exposure Cohort (SEC) designation be accorded to all employees of the Department of Energy (DOE), its predecessor agencies, and its contractors and subcontractors who worked at the Brookhaven National Laboratory in Upton, New York, from January 1, 1947 to December 31, 1979, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This recommendation is based on the following factors:

- The Brookhaven National Laboratory site is a DOE covered facility from January 1, 1947 to present and serves as a facility involved with numerous radiological research activities.
- NIOSH found that though there is sufficient documentation that appropriate monitoring practices were conducted during the specified time period, historical data management and data retention practices prevent NIOSH from confirming the current retrievability of the data necessary to estimate doses for the members of the defined class during the time period in question from January 1, 1947 through December 31, 1979. The Board concurs with this conclusion.
- NIOSH determined that health may have been endangered for the workers exposed to radiation at this facility during the time period in question. The Board also concurs with this determination.

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The Secretary

November 16, 2009

Based on these considerations, and on the discussions and deliberations at our October 20, 2009, Advisory Board meeting held in Port Jefferson, New York, the Board recommends that this Special Exposure Cohort petition be granted.

Enclosed is supporting documentation from the recent Advisory Board where this Special Exposure Cohort class was discussed. The documentation includes transcripts of the deliberations, copies of the petition, and the NIOSH review thereof, and related documents distributed by NIOSH. If any of these items are unavailable at this time, they will follow shortly.

Sincerely,

[Signature on file.]

Paul L. Ziemer, Ph.D.
Chairman, ABRWH

Enclosure