



ADVISORY BOARD ON RADIATION AND WORKER HEALTH

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August 24, 2009

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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 0145 concerning workers at the Lake Ontario Ordnance Works in Niagara Falls, New York, under the statutory requirements established by the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and incorporated into 42 CFR Sec. 83.14. The Board respectfully recommends SEC status be accorded to all employees of the Department of Energy (DOE), its predecessor agencies, and their contractors and subcontractors who worked at Lake Ontario Ordnance Works in Niagara Falls, New York, from January 1, 1944 through December 31, 1953, 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 included in the SEC.

This recommendation is based on the following factors:

- The Lake Ontario Ordnance Works is a DOE covered facility from 1944 to 1997, and served as a storage depot for radioactive material generated at other sites.
- NIOSH found there were insufficient monitoring data, workplace monitoring records, and source-term information at the Lake Ontario Ordnance Works facility to complete with sufficient accuracy individual dose reconstructions involving internal and external radiation exposures during the time period in question from January 1, 1944 through December 31, 1953. The Board concurs with this conclusion.

- NIOSH determined health may have been endangered for the workers exposed to radiation during the time period in question. The Board concurs with this determination.

Based on these considerations and the discussions held at the July 27-29, 2009, Board meeting in West Chester, Ohio, the Board recommends that SEC status be granted. The Board notes that NIOSH will use individual external and internal monitoring data that are available to complete dose reconstructions for non-presumptive cancer claims and for those who do not qualify for the SEC. For these individuals, NIOSH will also reconstruct medical doses using the complex-wide Technical Information Bulletin Dose Reconstruction from Occupationally Related Diagnostic X-ray Procedures.

Enclosed is the documentation from the Board meeting(s) where this SEC class was discussed. The documentation includes transcripts of the deliberations, copies of the petition, the NIOSH review thereof, and related materials. If any of these items are unavailable at this time, they will follow shortly.

Sincerely,

[Signature on file.]

Paul L. Ziemer, Ph.D.
Chair

Enclosures