

# United States Senate

WASHINGTON, DC 20510

June 25, 2010

The Honorable Hilda L. Solis  
Secretary of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

The Honorable Steven Chu  
Secretary of Energy  
1000 Independence Avenue, NW  
Washington, DC 20585

Dear Madam Secretary Solis and Mr. Secretary Chu:

We write to urge the Department of Labor and Department of Energy to implement recommendations made by the Government Accountability Office (GAO) in its report on the Energy Employees Occupational Illness Compensation Program (EEOICP) as quickly as practicable.

Since the creation of EEOICP, The Department of Labor and the Department of Energy have worked to process the claims of former employees and contractors who were exposed to radiation and toxins while working to create our nation's nuclear deterrent during the Cold War at nuclear sites across the country. The administration of this compensation program has had many setbacks. The recent GAO report released in March identified areas in EEOICP that still need improvement and made recommendations on how to solve or minimize problems. We were pleased to see in the report that both of your departments stated they would begin to implement many of these recommendations.

We have many constituents who worked at Hanford during the cold war and still live in the Tri-Cities area. These constituents have raised concerns regarding delays in resolving claims, caused by issues such as dose reconstruction in both Part B and E of EEOICP. I understand that processing these claims can be complex and that it is difficult to create a complete dose reconstruction. The discovery of new employment records and scientific data during the claims process can further add to the time it takes to process a claim, and with the addition of Special Exposure Cohorts (SECs) the case load has increased. The Department of Labor has attempted to use its resources to administer the program in an effective manner, but given the increase in cases from SECs and delays from incomplete records in dose reconstruction, the Department needs to indicate if additional resources and personnel are required to process current and future claims in a timely manner.

The GAO report also indicated a need for greater transparency in EEOICP, specifically that the worksite matrix information for Part E cases be declassified. GAO stated that the Department of Energy is working with the Department of Labor to declassify worksite information for Part E claims, and that the Department of Energy previously declassified similar information while working with the National Institute of Occupational Safety and Health (NIOSH) on radiation exposure cases for Part B of EEOICP. We were glad to see that the Department of Labor announced on May 10, 2010, it would release an updated Site Exposure Matrices (SEM) database within the next month, and that it expects to release updated worksite information for all Part E worksites in the coming year. We are eager to see the remaining updated SEM database released within the next year, particularly worksite data on Hanford and wish to be informed when the Hanford information will be released. We ask that the Departments of Labor and Energy continue to help clarify and release worksite information for claimants quickly and responsibly.

We also ask that each of your departments provide our offices with information on how far along they are in implementing all of the GAO's recommendations, along with any other improvements currently being made to EEOICP as a result of the recent GAO report or internal review.

We fully support the goals and objectives of EEOICP and understand the difficulties posed to the Department of Labor and Department of Energy in carrying out this program. As we move forward we urge you to conduct an open, transparent, and collaborative process that allows for the involvement of interested stakeholders in the development of future improvements to the program.

Sincerely,



Maria Cantwell  
United States Senator



Patty Murray  
United States Senator

Cc: John Howard, MD, Director, National Institute of Occupational Safety and Health, HHS  
Shelby Hallmark, Director, Office of Workers Compensation Programs, DOL  
Rachel P. Leiton, Director, Energy Employees Occupational Illness Compensation, DOL  
Regina G. Cano, Director, Office of Former Workers Screening Programs, DOE