

Perspectives on Dose Reconstruction Programs

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VBDR Meeting, Tampa

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Radiation Compensation Programs

- Veterans Dioxin and Radiation Exposure Compensation Act (1984)
- Radiation-Exposed Veterans Compensation Act of 1988
- Radiation Exposure Compensation Act (1990)
- Energy Employees Occupational Illness Compensation Program Act (2000)

Energy Employees Occupational Illness Compensation Program Act (EEOICPA)

- Public Law 106-398, enacted by Congress in 2000
- Became effective July 1, 2001
- Authorizes the President to carry out provisions of the Act
- Is intended to provide timely, uniform, and adequate compensation of covered employees (or survivors) who have suffered from illnesses incurred in the performance of duty for the Dept. of Energy and certain of its contractors and subcontractors

Energy Employees Occupational Illness Compensation Program Act (EEOICPA)

Provides for \$150,000 in lump-sum compensation to workers who contracted certain diseases as a result of such exposures while working for the Department of Energy (DOE), its contractors, or subcontractors in the nuclear weapons industry.

Legislative Authority for the Advisory Board on Radiation & Worker Health

- Part B of the Energy Employees Occupational Illness and Compensation Program Act (EEOICPA) authorizes the President to establish and appoint an Advisory Board on Radiation and Worker Health
- By Executive Order 13179 (December, 2000) the President designated responsibility of the Advisory Board to the Secretary of HHS

Roles Of The Advisory Board On Radiation and Worker Health

The Board shall advise the Secretary of HHS

1. On the development of guidelines

- for providing reasonable estimates of radiation doses received by individuals who seek assistance under the program (*dose reconstructions*)
- for assessing the likelihood that an individual sustained cancer in the performance of duty at a DOE or weapons facility (*probability of causation*)

Roles Of The Advisory Board On Radiation and Worker Health

The Board shall advise the Secretary of HHS

2. On the scientific validity and quality of dose reconstruction efforts
3. On whether there is a class of DOE employees for whom it is not feasible to estimate dose and whether there is a likelihood such dose may have endangered their health

Comparison of VBDR and ABRWH

- VBDR: “Conduct periodic random audits of dose reconstructions and decisions on claims ...”
- ABRWH: “Advise the Secretary of HHS on the scientific validity and quality of dose reconstruction efforts.”

Comparison of VBDR and ABRWH

- VBDR: “Assist the VA and DTRA in communicating to veterans information on mission, procedures, and evidentiary requirements of dose reconstruction.”
- ABRWH: (No equivalent duty)

Comparison of VBDR and ABRWH

- VBDR: “Carry out other activities with regard to review and oversight of the Dose Reconstruction Program as specified jointly by the Secretaries.”
- ABRWH: “Advise the Secretary of HHS on the development of guidelines...”

Comparison of VBDR and ABRWH

- VBDR: “Make recommendations on modifications to the mission and procedures of the Dose Reconstruction Program as the Advisory Board considers appropriate as a result of the audits.”
- ABRWH: (No similar explicit duty; may be implied in terms of the review process.)

Composition of the Advisory Board on Radiation and Worker Health

- Consists of no more than 20 members appointed by the President, who also designates the Chair (Note: Actual membership is 12)
- Members shall include affected workers and their representatives, and representatives of the scientific and medical communities.

Meetings of the ABRWH

- Frequency is determined by NIOSH and CDC and is based on agency needs.
- Since January, 2001, the Board has met 31 times; several meetings have been by teleconference.
- All meetings are open to the public(except where certain confidential material is being discussed) and include public comment periods.
- Transcripts are maintained of all meetings, as well as meeting minutes and executive summaries.

Status of NIOSH Program

Office of Compensation Analysis and Support (as of June 24, 2005)

- Cases received from DOL: 18, 880
- Cases in Pre-DR Assignment Development:
8,376
- Cases currently assigned for DR: 1,171
- DR draft Reports sent to Claimants: 521
- Final DR Reports sent to DOL: 8.812

Status of NIOSH Program

Office of Compensation Analysis and Support

(as of June 24, 2005)

SEC Petition Status

- **Petitions Received: 37**
- **Administratively closed: 18**
- **Active petitions: 14**
- **HHS decisions made: 5**

ABRWH Accomplishments

- Review and comment on proposed Rulemaking for 42 CFR 81 (*Probability of Causation Rule*)
- Review and comment on proposed Rulemaking for 42 CFR 82 (*Dose Reconstruction Rule*)
- Review and make recommendations on 5 SEC petitions
- Establish methodology for reviewing and assessing scientific validity of completed DRs
- Establish methodology for reviewing and assessing Site Profiles (Technical Basis Documents)

Contractor Support for the ABRWH

- To assist the Board in carrying out its responsibility to advise the Secretary of HHS on the scientific validity and quality of the dose reconstructions, the Board has contracted with SC&A for assistance in reviewing completed dose reconstructions and site profiles that are used in the DR process
- The reviews (“audits”) are the responsibility of the Board. SC&A provides input to assist the Board in carrying out this responsibility

Tasks assigned to SC&A

- Task Order 1: Site Profile Reviews
- Task Order 2: Case Tracking
- Task Order 3: Review of Dose Reconstruction Procedures and Methods
- Task Order 4: Individual Dose Reconstruction Reviews

Benefits of Having An Independent Advisory Board

- Increased public confidence that the process is open and fair
- Opportunities to introduce alternate scientific and practical issues and views
- Increased transparency that brings increase accountability
- Opportunity for views of various interest groups (stakeholders) to surface and be considered openly

The Bottom Line...

- The establishment of the Veterans' Advisory Board on Dose Reconstruction is a positive addition to the Radiation Dose Reconstruction Program of the Department of Defense
- This Advisory Board will play an important and significant role in the future directions and activities of the compensation programs for our military veterans.