



Alliance of Nuclear Worker Advocacy Groups

July 25, 2017

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor,
and Pensions
428 Rayburn Senate Office Building
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor
and Pensions
428 Rayburn Senate Office Building
Washington, DC 20510

*Subject: Request for investigative hearings into Energy Employees Occupational Illness
Compensation Program*

Dear Senator Alexander and Senator Murray:

The Alliance of Nuclear Worker Advocacy Groups (ANWAG) has learned that a Department of Labor (DOL) whistleblower confirms several of the concerns we have raised for over a decade and across three administrations regarding the implementation of the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), as amended. The Washington Free Beacon reported on July 21, 2017 that DOL solicitor, Stephen Silbiger, charged that DOL's Division of Energy Employees Compensation Program (DEEOIC),

"...thwarted workers' attempts to seek the compensation by writing regulations that made qualification much more stringent than Congress intended, failing to disclose all the application rules, changing eligibility rules midstream, and delaying compensation for years until the sick workers died."

Until the publication of this story ANWAG was unaware that any DOL employee shared the same concerns about the program that the advocates have often voiced. The advocates are on the record with DEEOIC objecting to, among other things, the changes in policy for hearing loss, wage loss and the post-1995 exposure assessment. Additionally, ANWAG recently submitted a complaint to DOL's Inspector General detailing proposed policy changes opened for public comment on November 18, 2015 were incorporated before the final rules are issued.

It is disturbing that despite DOL's leadership being made aware of these problems independently by unrelated parties they chose, instead, to ignore the allegations and failed to protect the integrity of the program.

Mr. Silbiger also alleged that "...an attorney in the Solicitor's Office expressed disdain for some claimants and said he hoped they would never receive their benefits." ANWAG is in possession of emails we believe may support this allegation. Emails from a DOL solicitor and were obtained through a Privacy Act Request by a claimant. Seven pages were withheld under the attorney/client exemption. Unredacted language seem to support Silbiger's allegations.

The last oversight hearing was held by the Senate Health, Education, Labor and Pensions Committee in 2007. Before that, in 2006, the House Judiciary Subcommittee on Immigration, Border, Pension and Claims held multiple hearings on the Office of Management and Budget's (OMB) passback memo. This memo was submitted by the Director of Office of Workers' Compensation Programs (OWCP) suggesting improper ways to control the cost of benefits.

While Congress has legislated the Office of the Ombudsman and the Advisory Board on Toxic Substances and Worker Health, these entities have no investigative powers. They can report and make recommendations but DEEOIC is free to ignore their professional advice.

DEEOIC is still accountable to no one to the detriment of workers who gave their health and lives for our country.

While many congressional leaders strongly support the sick workers, there has been no congressional oversight in almost ten years.

It is time, and ANWAG strongly urges Congress to hold hearings in the very near future to, not only investigate the allegations made by the DOL whistleblower and ANWAG but also to determine if DEEOIC is fulfilling the purpose of this compensation program to provide,

"... timely, uniform, and adequate compensation of covered employees and, where applicable, survivors of such employees, suffering from illnesses incurred by such employees in the performance of duty for the Department of Energy and certain of its contractors and subcontractors."

ANWAG has filed Freedom of Information Act (FOIA) requests for documents based on the Washington Free Beacon report. We will provide any information we have in our possession or receive through our FOIA to the Committee upon request.

Sincerely,



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