



May 3, 2021

John Howard, M.D., MPH
Director
National Institute for Occupational Safety and Health
Patriot Plaza
395 E. Street, S.W.
Washington, DC 20024

Subject: Moratorium on dose reconstructions and SEC petition research

Dear Dr. Howard:

The Alliance of Nuclear Workers Advocacy Groups (ANWAG) is stunned learning the disturbing news that the National Institute for Occupational Safety and Health (NIOSH) suspended reconstructing dose and the SEC petition process on Monday, May 3, 2021. The moratorium is anticipated to last 2 to 4 months.

Effective May 3, 2021 there will be a pause in some data transfers between NIOSH/DCAS, DOL, and the Department of Energy (DOE) as we proceed with the required cybersecurity modernization. This includes a hold on receiving new or rework case referrals from DOL, returning completed dose reconstructions to DOL, and receiving individual and site-specific dosimetry information from DOE.

This is so distressing. NIOSH will not even return the dose reconstructions they have completed to the Department of Labor (DOL)? Terminally ill workers often do not have 2 to 4 months to live. Will they no longer have the option to have their claim expedited so that they can receive the medical and financial benefits before they die?

As of 5/3/2021 NIOSH had 1,378 claims. One can't help but wonder how many of those claims would be approved because the probability that radiation caused the cancer reached the 50% level? And what if some of those claims which could be approved are for living workers? Their medical benefits are being wrongly delayed and potentially violate the spirit and letter of the law.

A project of this size must have taken months of planning. Both the Advisory Board on Radiation and Worker Health and the Advisory Board on Toxic Substances and Worker Health held meetings mid-April yet there was no mention of this moratorium. The claimants and their authorized representatives were

not notified of the moratorium and that their claims will be delayed for months until it was already in effect on May 3, 2021. Why were the stakeholders left in the dark?

We are supportive of measures needed to increase cybersecurity. However, placing a hold on performing dose reconstructions and activities on Special Exposure Cohort petitions (SEC) is too drastic a step to take. There must be other ways for NIOSH to receive the information from the Department of Energy (DOE) without, reconstruct dose, and then forward that to the Department of Labor (DOL). For example, DOE could download the data to a disc, encrypt the disc, and mail/FedEx it to NIOSH. NIOSH could use the same method when returning completed dose reconstructions to DOL. If for some reason that method would not be considered secure, DOE could print out the documents, mail/FedEx the documents to NIOSH. NIOSH would then print out the dose reconstruction and mail/FedEx it to DOL.

ANWAG feels the stakeholders deserve answers to why this radical decision to suspend reconstructing dose and activities involving SEC petitions for months is truly necessary. They deserve to know why they were not informed prior to the moratorium taking effect.

Claims that require dose reconstruction already take a substantial amount of time before a Final Decision is rendered. SEC petitions can take more than ten years to resolve. Adding 2 to 4 months, and possibly more, to the process is unconscionable. The United States Government first harmed these dedicated individuals who worked in defense of our country by not adequately protecting them from radiation exposure. Now, the Government is harming them once again by not, as DOL's Mission Statement says, by "making timely, appropriate, and accurate decisions on claims and providing prompt payment of benefits to eligible claimants."

As one claimant succinctly states,

I did my part in helping the United States Government, but the Government has dropped the ball helping me.....

ANWAG appreciates your attention to this matter and looks forward to your earliest response.

Sincerely,

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cc: Advisory Board on Radiation and Worker Health
Advisory Board on Toxic Substances and Worker Health

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Gregory Lewis, DOE Director Office of Worker Screening and Compensation Support
Denise Brock, DCAS Ombudsman
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Also signed by:

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