



# **Energy Employees Occupational Illness Compensation Program Town Hall**

Arvada, CO

September 12, 2023



## What is the EEOICPA?

- ▶ A law administered by the Labor Department's Division of Energy Employees Occupational Illness Compensation (DEEOIC).
- ▶ Provides lump-sum compensation and medical benefits to current and former nuclear weapons workers.
- ▶ Survivors of qualified workers may also be entitled to benefits.





# Agency Administration of the EEOICPA

Department of Labor



Department of Energy



Department of Health  
and Human Services



Department of Justice





# Employee Eligibility

Employed By	Part B	Part E
DOE Contractors and Subcontractors	Yes	Yes
DOE Federal Employees	Yes	No
AWE Employees (Atomic Weapons Employer)	Yes	No
Beryllium Vendors	Yes	No
RECA	Yes	Yes



# Contractor Employment

- ▶ **Contractor** – entity engaged in a contractual business arrangement with DOE to provide services, produce material, or manage operations.
- ▶ DOE Covered Facility type designation, location, description, covered time period, and contractor information can be found at:  
<https://ehss.energy.gov/Search/Facility/findfacility.aspx>



# Subcontractor Employment



- ▶ Subcontractor – entity engaged in a contractual business arrangement with a DOE contractor to provide a service on-site.
- ▶ The mere presence of an employee on the premise of a facility does not confer covered employment.



# Required Components for Subcontractor Employment

- ▶ The claimed period of employment occurred during the covered time frame as alleged.
- ▶ A contract to provide **covered services** existed between the claimed subcontractor and a DOE contractor at the facility (during the covered time frame).
- ▶ The employment activities (work or labor) took place on the premises of the covered facility.



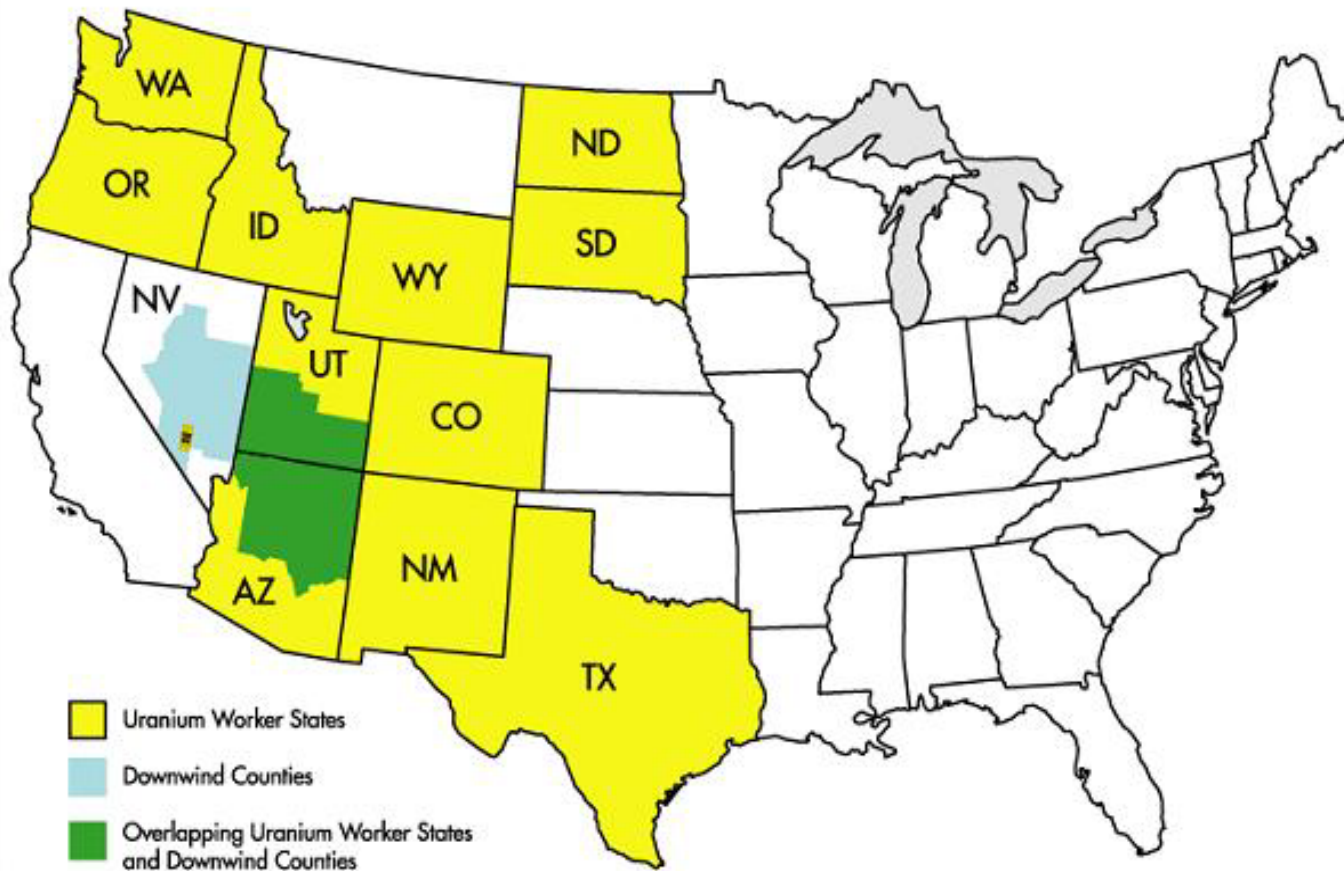
# Radiation Exposure Compensation Act (RECA) Section 5 Employment

- Individuals employed in above-ground or underground mines; employed in a uranium mill or employed in transport of uranium ore or vanadium-uranium ore from mines or mills.
- Employment occurred in uranium mines or mills located in Arizona, Colorado, Idaho, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.
- Employment occurred at a covered mine or mill from January 1, 1942, to December 31, 1971.





# RECA COVERED AREAS





# Uranium Mill Tailings Radiation Control Act

- Many uranium mills associated with the Uranium Mill Tailings Radiation Control Act (UMTRCA) are covered Department of Energy (DOE) facilities under EEOICPA.
- This includes uranium mills in Arizona, Colorado, Idaho, New Mexico, Oregon, Texas, Utah, and Wyoming.
- Covered UMTRCA sites, along with dates of coverage, can be found in [EEOICPA Circular No. 11-01](#) & [EEOICPA Circular No. 12-05](#) as well as through the following link: <https://ehss.energy.gov/Search/Facility/findfacility.aspx>





## Covered Sites in Colorado

- CLIMAX URANIUM MILL IN GRAND JUNCTION
- COORS PORCELAIN
- GRAND JUNCTION OPERATIONS CENTER
- GREEN SLUDGE PLANT IN URAVAN CO
- NEW URANIUM MILL IN RIFLE
- OLD URANIUM MILL IN RIFLE
- RIO BLANCO NUCLEAR EXPLOSION SITE PROJECT
- ROCKY FLATS PLANT
- RULISON NUCLEAR EXPLOSION SITE PROJECT
- SHATTUCK CHEMICAL
- UNIVERSITY OF DENVER RESEARCH INSTITUTE
- URANIUM MILL IN DURANGO CO
- URANIUM MILL IN GUNNISON
- URANIUM MILL IN MAYBELL
- URANIUM MILL IN NATURITA
- URANIUM MILL NO. 1 IN SLICK ROCK (EAST)
- URANIUM MILL NO. 2 IN SLICK ROCK (WEST)



# Medical Eligibility

## Part B (enacted 2000)

- Cancer
- Chronic Beryllium Disease
- Chronic Silicosis
- RECA Section 5 Awardees

## Part E (enacted 2004)

- Any condition related to toxic substances



# Survivor Eligibility

## Part B (enacted 2000)

- Spouse
- Children
- Parents
- Grandchildren
- Grandparents

## Part E (enacted 2004)

- Spouse (death related)
- Children
  - Less than age 18
  - Less than age 23 (full time student)
  - Medically incapable of self support



# Benefits

<u>Part B</u>	<u>Part E</u>
\$150,000 – Employee & Survivor	\$2,500 per % Impairment - Employee
\$50,000 RECA – Employee & Survivor	Annual Wage Loss \$10,000-\$15,000 - Employee
	\$125,000 – Survivor (+ lump-sum Wage Loss if eligible)
\$400,000 Lump-sum cap for B & E combined	
Employee Medical Care for Accepted Conditions	



# RECA Section 5 Employee Benefit Eligibility under the EEOICPA

<b>Part B</b>	<b>Part E</b>
Employees must file with the Department of Justice, Radiation Exposure Compensation Act (RECA) – Section 5	Part E is not dependent on your RECA claim. Part E claims will be adjudicated separately. If you are accepted under B for the condition – you are automatically accepted under Part E
If you are accepted under RECA, you are also accepted under EEOICPA. You receive \$100,000.00 under RECA and awarded \$50,000.00 under EEOICPA	Once you are accepted under Part E, you are eligible for impairment and wage loss compensation.
If you are denied under RECA, you are also denied under EEOICPA	The maximum compensation available under Part E is \$250,000.00.



# Dose Reconstruction & Probability of Causation

## Part B eligibility for cancer is determined by:

- ▶ Membership in **Special Exposure Cohort (SEC)**. Presumption that the diagnosed **specified cancer** was caused by radiation exposure during their eligible SEC employment.
- ▶ Dose reconstruction performed by the National Institute for Occupational Safety & Health (NIOSH). DOL uses the dose reconstruction to determine **Probability of Causation** (probability or likelihood that a cancer was caused by radiation exposure incurred by a covered employee in the performance of duty). POC must be above 50% for compensability.
- ▶ **RECA Employees**: Part E claims for cancers not accepted under RECA that are based on radiation exposure will undergo the dose reconstruction process described above to determine Part E eligibility.





# Colorado SEC Sites

An Employee that worked **250 aggregated workdays** for the covered time period(s) listed below, can be included in the Special Exposure Cohort (SEC).

Facility	Beginning Date	Ending Date
Rocky Flats Plant	April 1, 1952	December 31, 1983
Grand Junction Operations Office	March 23, 1943	January 31, 1975
Grand Junction Facilities	February 1, 1975	December 31, 1985



## Part E Causation

- The standard for establishing causation is whether it is at least as likely as not that exposure to a toxic substance at a DOE facility was a significant factor in aggravating, contributing to, or causing the illness or death.
- Causation under Part E may be established by an acceptance under Part B. Based on this acceptance, exposure and causation are presumed to already exist. **This includes conditions accepted under Part B based on a DOJ award of RECA Section 5 benefits.**
- Occupational History Interview conducted by Resource Center Staff
- Case development may include a review of employment records, Site Exposure Matrices (SEM) data, Industrial Hygienist review, Toxicologist review, review of DEEOIC Exposure & Causation Presumptions, and/or a request for a medical opinion.
- For Survivor claims, evidence must also establish that the condition contributed to the death of the employee before accepting the survivor claim under Part E.



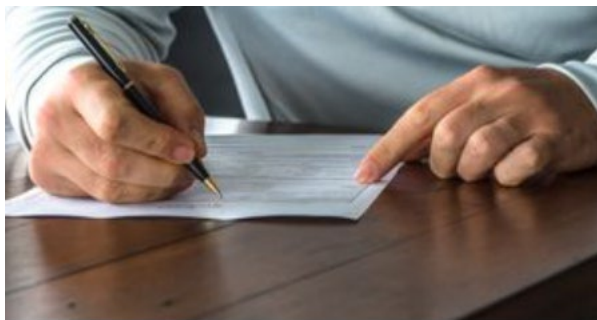
# Site Exposure Matrices (SEM)

- ▶ The SEM is a repository of information on toxic substances present at Department of Energy (DOE) and Radiation Exposure Compensation Act (RECA) sites covered under Part E.
  - Information in SEM is gathered from a variety of sources
  - Scientifically establishes links between toxic substances / illnesses
  - Training and Public access to SEM is available the DEEOIC website:  
<https://www.dol.gov/owcp/energy/regs/compliance/seminfo.htm>
  - SEM contains a list of uranium mines and mills and the period each was in operation. SEM also identifies ore transporters covered under RECA Section 5. Additionally, the SEM “Site History” section, for each facility, lists all prime operating entities and respective operating dates.



# Claimant Responsibilities

- ▶ File claim
- ▶ Collect / Copy / Submit relevant records for review
- ▶ Respond to information requests





# Claim Decision Process

## Recommended Decision (District Office)

- Reviews the record
- Develops Factual information
- Issue a Preliminary Determination



## Final Decision (Final Adjudication Branch)

- Affirm decision or remand
  - Claimant has right to object to RD through a Hearing or Review of the Written Record
- Post FD Claimant rights:
  - Reconsideration
  - Reopen of case
  - District Court



# Medical Benefits

- ▶ Broad coverage for medical treatment costs linked to accepted work-related illnesses:
  - Office visits (including lab and radiology services)
  - Prescriptions
  - Medical travel expenses
  - Equipment (wheelchairs / supplies)
  - Home and vehicle modifications
  - Extended and hospice care
  - Home health care





## Filing for Additional Illnesses

- If the employee develops additional condition(s) believed to be related to occupational toxic exposure, the employee (or survivor) can file a claim for the additional condition(s).
- Claims for other illnesses can be filed at any time regardless of whether initial claim is accepted or denied.
- Similar process to initial claim but we may be able to use some of the previously collected evidence.
- **RECA employees may file for additional illnesses under the EEOICPA at any time regardless of whether the condition(s) were accepted under RECA.**





# Consequential Conditions

- If it is determined that an accepted condition caused, contributed to, or aggravated a claimed consequential condition, the consequential condition will be accepted under the same part types as the accepted condition.
  - Medical benefits are typically awarded retroactive to the eligibility date of the accepted condition. Some exceptions may apply.
  - Acceptance of a consequential condition may also result in impairment and/or wage loss compensation eligibility under Part E.
  - Consequential conditions are accepted by Letter Decision issued by the District Office, no Final Decision is required.
  - If a consequential condition claim is recommended for denial, a Recommended Decision is issued, and the case is sent to the Final Adjudication Branch for review.



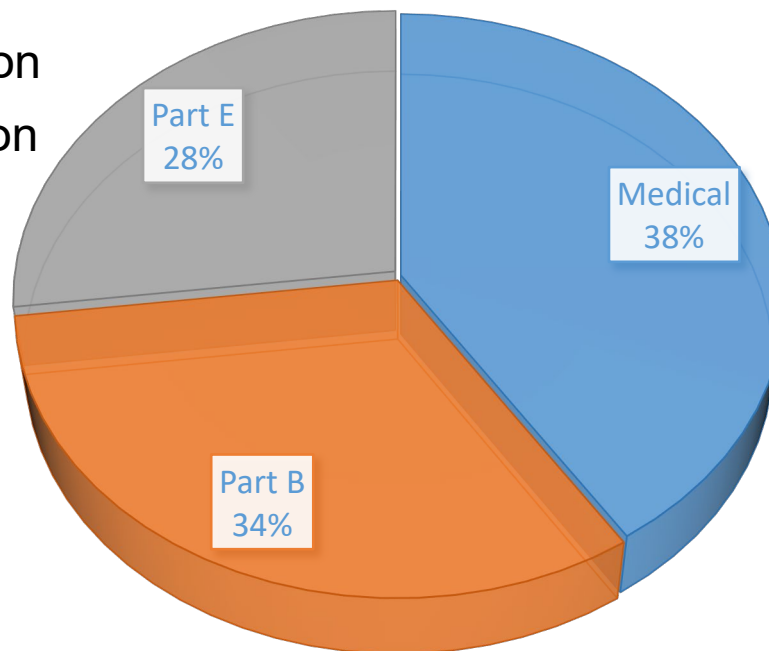


# EEOICPA Program Compensation

- **\$7.72 Billion Part B Compensation**
- **\$6.57 Billion Part E Compensation**
- **\$9.78 Billion Medical Benefits**

**TOTAL:**

- **\$24 Billion Compensation & Medical Benefits**



\*Data as of September 6, 2023



# Colorado Compensation

- ▶ 18,681 Employee & Survivor Claims
- ▶ 7,994 Individual Employees
- ▶ \$382 Million Part B Compensation
- ▶ \$465 Million Part E Compensation
- ▶ \$597 Million Medical Benefits
- ▶ Total: \$1.4 Billion Compensation & Medical Benefits

\*Data as of September 6, 2023



# Claimant Assistance

- ▶ **Resource Centers – 11 locations nationwide**
  - Denver Resource Center
  - Toll free number: (866) 540-4977
  
- ▶ **District Offices – 4 locations** (Cleveland, Denver, Jacksonville, Seattle)
  
- ▶ **DEEOIC website**
  - <http://www.dol.gov/owcp/energy/>
  - General program information
  - SEM website
  - Claimant Resources (How to Guides, Forms, Medical Benefits Information)
  - Medical Provider Resources (Enrollment, Bill Processing)



# Updates – DOL Projects

## ➤ Outreach

- In-Person Outreach Events and Authorized Representative Workshops
- Monthly Webinars

## ➤ Customer Experience

- Collect, analyze, and report on stakeholder feedback
- Surveys, Focus Groups
- Results impact decision making

## ➤ Energy Document Portal (EDP)

- Claim Forms (EE-1/2)
- Employment History Forms (EE-3)
- Payment Forms (EN-20)
- Reimbursement Forms (OWCP 915/957)



# DOL Resource Centers

- Manage Resource Center Operations
- Guide Claimants through the EEOICPA Process
- Comply with DOL Procedures
- Maintain Highest Level of Customer Service
- Claims Intake
- Conduct Occupational History Interviews
- Provide Medical Bill Payment Assistance
- Maintain Databases
- Conduct Outreach
- Support DEEOIC Special Projects
- Be Responsive to DEEOIC Guidance and Direction
- Communicate Daily with DEEOIC Management
- Ongoing Training for Staff





# DOL Resource Center Locations



Resource Center addresses and contact info can be found on the DEEOIC Webpage at [www.dol.gov/EnergyProgramResourceCenters](http://www.dol.gov/EnergyProgramResourceCenters)