



U.S. DEPARTMENT OF LABOR

Office of Workers' Compensation Programs (OWCP)

Energy Employees Occupational Illness Compensation Program Town Hall

Hamilton, OH

August 16, 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.



Major Covered Facilities in Ohio:

- Feed Materials Production Center
- General Electric
- Mound Plant
- Portsmouth Gaseous Diffusion Plant
- 28 additional facilities location throughout Ohio



*Covered time period and other information can be found at: <https://ehss.energy.gov/Search/Facility/findfacility.aspx>



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	



Part B: 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.



Major Ohio SEC Sites

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

Facility	Beginning Date	Ending Date
Feed Materials Production Center	January 1, 1954	December 31, 1978
Feed Materials Production Center 1*	January 1, 1951	December 31, 1983
Portsmouth Gaseous Diffusion Plant	September 1, 1954	February 1, 1992
Mound Plant	October 1, 1949	February 28, 1959
Mound Plant 2*	March 1, 1959	March 5, 1980
Mound Plant	September 1, 1972 January 1, 1975	December 31, 1972 December 31, 1976
General Electric	January 1, 1961	June 30, 1970

[1] All employees of the Feed Materials Production Center (FMPC) in Fernald, Ohio, who were not employed by National Lead of Ohio, NLO, or the Department of Energy or its predecessor agencies

[2] All employees of the Department of Energy (DOE), its predecessor agencies, and its contractors and subcontractors who had at least one tritium bioassay sample



Other Ohio SEC Sites

- There are several more SEC sites located within the state of Ohio including Baker Brothers, Battelle Laboratories – King Avenue, Harshaw Harvard-Denison Plant, Horizon's, Inc., and Piqua Organic Moderated Reactor Site.
- Information regarding these sites can be found on the DEEOIC website at:

<https://www.dol.gov/agencies/owcp/energy/regs/compliance/law/SEC-Employees>



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.
- 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.



Site Exposure Matrices (SEM)

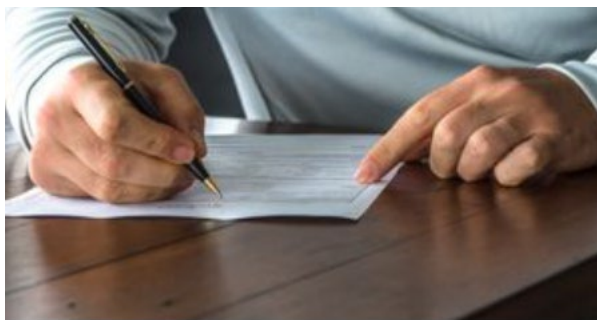
- ▶ The SEM is a repository of information on toxic substances present at Department of Energy (DOE) and Radiation Exposure Compensation Act (RECA) sites covered under Part E.
 - Information in SEM is gathered from a variety of sources
 - Scientifically establishes links between toxic substances / illnesses
 - Training and Public access to SEM is available the DEEOIC website:
<https://www.dol.gov/owcp/energy/regs/compliance/seminfo.htm>

The screenshot shows the top portion of the DEEOIC SEM website. At the top left is the U.S. Department of Labor logo and the text "U.S. DEPARTMENT OF LABOR". To the right are radio buttons for "All DOL" and "OWCP", and a search bar. Below this is a navigation menu with links: "A to Z", "Site Map", "FAQs", "Forms", "About DOL", "Contact Us", "Español", and "Help Guide". The main heading is "Office of Workers' Compensation Programs" with a "SHARE" button and social media icons. A breadcrumb trail reads: "DOL Home > OWCP > DEEOIC > SEM Introduction > SEM home page > Detailed SEM Data home". A disclaimer states: "The site specific information in this database reflects available data and may not be complete. The results should be used with a full understanding of the limitations of the current dataset." The main text welcomes users to the expanded SEM, explaining it contains more data and ways to look for information regarding toxic substances at facilities covered under Part E of the EEOICPA. It notes that the information is a reflection of data collected to date and that users are encouraged to submit additional information. At the bottom, there are radio buttons for filtering sites: "Show DOE sites", "Show uranium mines", "Show uranium mills", "Show Ore-buying stations", and "Show uranium transport". A "Site:" dropdown menu is set to "Select", with a "Click here" link below it for site lookup by alias, description, and owner/operator.



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.





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.

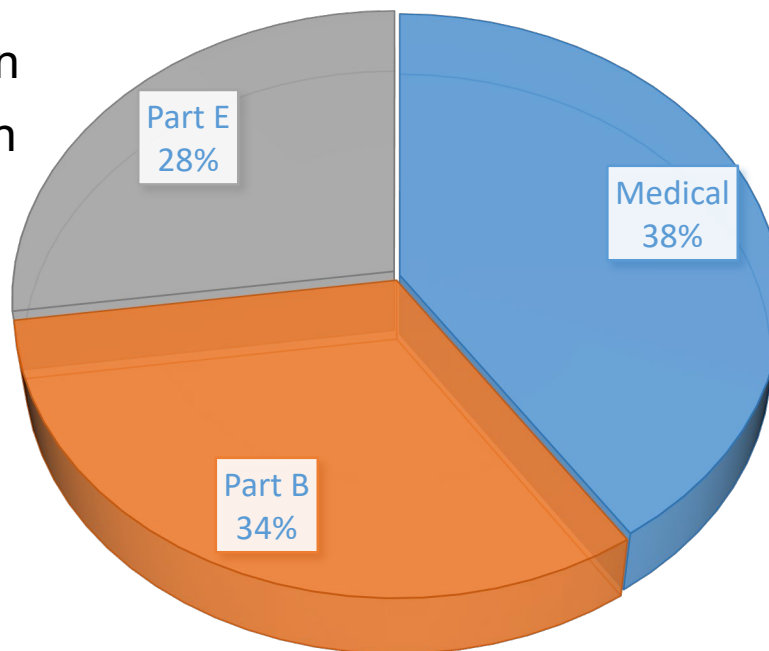


EEOICPA Program Compensation

- **\$7.7 Billion Part B** Compensation
- **\$6.5 Billion Part E** Compensation
- **\$9.7 Billion** Medical Benefits

TOTAL:

- **\$23.9 Billion** Compensation & Medical Benefits



*Data as of August 10, 2023



Ohio Compensation

- ▶ 23,987 Employee & Survivor Claims
- ▶ 10,885 Individual Employees
- ▶ \$505 Million Part B Compensation
- ▶ \$438 Million Part E Compensation
- ▶ \$656 Million Medical Benefits
- ▶ Total: \$1.6 Billion Compensation & Medical Benefits

*Data as of August 10, 2023



Claimant Assistance

- ▶ **Resource Centers – 11 locations nationwide**
 - Portsmouth Resource Center
 - Toll free number: (866) 363-6993

- ▶ **District Offices – 4 locations** (Cleveland, Denver, Jacksonville, Seattle)

- ▶ **DEEOIC web site**
 - <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