



July 27, 2021

Steven Markowitz,
Chair,
Advisory Board on Toxic Substances and Worker Health
U.S. Department of Labor
Frances Perkins Office Building
200 Constitution Ave., NW
Washington, DC 20210

Subject: Rescinding Special Exposure Cohort cancers

Dear Dr. Markowitz:

The Alliance of Nuclear Worker Advocacy Groups (ANWAG) respectfully requests that the Board consider providing guidance to the Division of Energy Employees Occupational Illness Compensation (DEEOIC) concerning whether certain cancers should be considered a Specified Cancer under the Special Exposure Cohort (SEC).

Between 2002 and 2012, DEEOIC reached out to the National Cancer Institute (NCI) and asked if certain cancers could be considered and SEC cancer. Those cancers were:

- o [Bulletin No. 02-15](#) which added chondrosarcoma of the cricoid cartilage of the larynx as a specified cancer.*
- o [Bulletin No. 02-16](#) which added cancer of the ureter as a specified cancer.*
- o [Bulletin No. 03-32](#) which added cancer of the urethra as a specified cancer.*
- o [Bulletin No. 10-08](#) which added cancer of the larynx as a specified cancer.*
- o [Circular No. 12-13](#) which added cancer of the fallopian tubes as a specified cancer.*

In 2016, DEEOIC rescinded the Bulletins and Circular in their [Transmittal 16-09](#). They explained that the statute allows them to consult with NCI “only on the names or nomenclature of potential cancers.” Instead, DEEOIC requested an opinion from NCI on whether a cancer could be considered and Specified cancer and compensable under the program.

The four Bulletins and the one Circular contains NCI's rationale for deciding that the cancers in question should be considered a Specified Cancer and eligible under an SEC.

While there is no public policy available for review, ANWAG is aware of two claims for cancer of the anus. Both of these cases dragged out over the definition of the boundary line between the more external part and the inner, Dentate Line. Additionally, the cellular tissue on the outer is Squamous yet DEEOIC initially denied these claims despite the fact that Squamous Cell Carcinoma of the base of the tongue, lung and esophagus are all considered SEC cancers. Guidance to DEEOIC on this cancer would also be appreciated. Case ID numbers 50026552 and 50005155 are provided with permission.

ANWAG thanks you for your consideration of this matter and for your continued service on the Board.

Sincerely,

A handwritten signature in cursive script that reads "Terrie Barrie".

Terrie Barrie
175 Lewis Lane
Craig, CO 81625
970-824-2260
tbarrieanwag@gmail.com