

From: Terrie Barrie [mailto:tbarrie@anwag.com]
Sent: Monday, July 18, 2016 7:54 PM
To: DOL Energy Advisory Board Information
Subject: Subcommittee on IH and CMC reports

Dear Dr. Sokus and Members of the Subcommittee:

Thank you for holding today's public meeting and providing the opportunity to submit comments. I appreciate the effort all of you are putting into the task of advising DOL on the program.

There was a short discussion today concerning the legal standard of causation. I would like to direct you to page 9 of the 2011 DEEOIC Medical Consultant Handbook. This document was prepared by former DEEOIC Medical Director, Dr. Eugene Schwartz in consultation with the DOL Solicitor's office. The causation standard is placed below the 50% requirement, somewhere between the preponderance of the evidence and reasonable suspicion.

http://eecap.org/PDF_Files/DOL_Information/2011_dol_dmc_Redacted.pdf

I am unsure if the CMC contractor provides similar guidance to their physicians.

There is another step in the adjudication process that, so far, has not been discussed - the role of the DEEOIC in-house toxicologist, Lynette Stokes, Ph.D. MPH. I am unsure if this Subcommittee has jurisdiction of reviewing Dr. Stokes' toxicology reports or if that would fall under the responsibility of the Subcommittee on weighing medical evidence.

Also, DEEOIC, at least in 2014, employed in-house nurse consultants. Again, I am unsure if this would fall under the Board's responsibility but I wanted to make sure you are aware of this position. It appears that this position is limited to home health care and durable medical equipment claims, but again, I am unsure.

http://eecap.org/PDF_Files/foias_received/nurse_consultant_performance_standards.pdf

I appreciated that Ms. Vlieger informed the members of the Econometrica report. This report was also submitted to the Subcommittee on the review of SEM by Ms. Stephanie Carroll. This Subcommittee voiced concerns about the length of time it would take them to develop a comprehensive presumptive disease list. Since Econometrica has provided guidance on a number of disease, mostly lung conditions, I respectfully suggest that the Subcommittee consider offering advice to DEEOIC on some of the top 100 diseases that DEEOIC has denied. This link was provided by DEEOIC to the IOM for their review of SEM.

<http://www.nationalacademies.org/hmd/~media/Files/Activity%20Files/PublicHealth/SEMDOLReview/Meeting%202/15%20Top%20100%20Denied%20Disease%20Part%20E%20List.pdf>

DEEOIC's request for guidance included the synergy between radiation and other toxic substances. I would like to restate the advocates' position - it is not so much the synergistic effect between the two but rather that DEEOIC refuses to accept radiation exposure as a causal, contributory or aggravating factor in Part E claims. The stakeholders would appreciate a discussion on this issue by the Subcommittee.

Again, I thank you for your service. I believe the tasks assigned to this and other Subcommittees is demanding and even at times daunting. I agree that you and the entire board will require assistance. It is my hope that in the very near future that DEEOIC will also realize this and provide all the support that is needed for this Subcommittee and the Board to fulfill its Congressional mandate.

Sincerely,

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