Responsibilities and Activities of the U. S. Advisory Board on Radiation and Worker Health

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Body of Abstract: The Energy Employees Occupational Illness Compensation Act (EEOICPA) was passed by the U.S. Congress in October, 2000, and became effective on July 31, 2001. The Act provides for $150,000 in lump-sum compensation to workers who contracted certain diseases as a result of exposure to beryllium, silica, or radiation while working for the U.S. Department of Energy, its contractors, or subcontractors in the nuclear weapons industry. The Secretaries of Energy, Health and Human Services, and Labor share responsibilities for administering the compensation program. The Act also authorizes the President to establish and appoint an Advisory Board on Radiation and Worker Health. In October, 2001, President George W. Bush appointed the Advisory Board in accordance with the provisions of EEOICPA which specifies that the Board will include a balance of perspectives from scientists, physicians, and workers. The Board began its work in January, 2002. Its work is conducted with staff support provided by the Department of Health and Human Services, through the National Institute of Occupational Safety and Health (NIOSH). NIOSH has established an Office of Compensation Analysis and Support (OCAS) that is responsible for developing scientific guidelines for determining whether a worker’s cancer is related to occupational exposure to radiation (probability of causation), developing methods to estimate worker exposure to radiation (dose reconstruction), and establishing a process by which classes of workers can be considered for inclusion in a special exposure cohort.

Executive Order 13179 specifies three primary duties for the Advisory Board. First, it shall advise the Secretary of Health and Human Services on the development of guidelines for the estimation of doses for claimants, and also provide advice on guidelines for assessing the likelihood that a claimant sustained a cancer in performance of duties at a Department of Energy or atomic weapons employer facility. Secondly, the Board is to advise the Secretary on the validity and quality of dose reconstruction efforts performed for the program. Finally, the Board is to provide advice on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and whether there is a reasonable likelihood that such radiation may have endangered their health.

Over the first two years of its operation, the Advisory Board has provided substantial input on three rule-making activities of the Department of Health and Human Services. The Board is also establishing methodologies for auditing the dose reconstruction program so as to evaluate validity and quality of the program as required by the Executive Order. As part of this activity, the Advisory Board expects to sample and examine approximately 2 to 3% of the completed dose reconstructions. Details on the activities of the Board and the approaches used to meet its mandated responsibilities will be provided.