

Congress of the United States
House of Representatives
Washington, DC 20515

May 22, 2008

John Howard, MD
Director
National Institute for Occupational Safety and Health (NIOSH)
395 E Street, S.W.
Suite 9200
Patriots Plaza Building
Washington, DC 20201

Re: NIOSH Dose Reconstruction of EEOICPA Cases

Dear Dr. Howard:

We are writing concerning the seemingly large number of dose reconstruction cases that are currently pending at the National Institute for Occupational Safety and Health (NIOSH). As of May 20, 2008, there were 7,117 cases pending at NIOSH, including some cases from the Paducah Gaseous Diffusion Plant in Paducah, Kentucky that are dated as far back as 2001. These delays not only have a great impact on workers from Paducah and the surrounding areas, but nationwide as well.

It is our understanding that the Office of Compensation Analysis and Support (OCAS) is responsible for conducting occupational radiation dose reconstructions for certain workers with cancer who file claims for compensation. The results of worker dose reconstructions is then used by the Department of Labor (DOL) to determine the probability that a worker's cancer was "at least as likely as not" due to his or her occupational exposure to ionizing radiation during employment at a covered facility.

As you no doubt are aware, these results have a significant impact on workers and their families. To think that some of these workers are being forced to wait up to seven years for their cases to go through is especially troubling – in fact, it is totally unacceptable. Therefore, we would like to know what is currently being done at NIOSH to improve the quality and efficiency of review in order to expedite its completion. Specifically:

- How many cases are currently pending at NIOSH?
- What is the oldest current pending case at NIOSH?
- Why is there such a back-log of cases?
- Why has NIOSH not implemented a self imposed timeline/deadline goal?

- How long does it take the average case to move through NIOSH and be returned to DOL?
- What steps are currently being taken to improve the efficiency of the dose reconstruction process?

Thank you for your prompt consideration of our request. We look forward to receiving your response. Should you have any questions please contact Jeff Mortier in Rep. Whitfield's office at (202)-225-3115, Erika Orloff in Rep. Stupak's office at (202)-225-4735 or Ryan Tracy in Rep. Shimkus office at (202) 225-5271.

Sincerely,



Bart Stupak
Member of Congress



Ed Whitfield
Member of Congress



John Shimkus
Member of Congress