

# ROCKY FLATS STEWARDSHIP COUNCIL

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May 23, 2007

Mr. Paul L. Ziemer, Ph.D., Chairman  
Advisory Board on Radiation and Worker Health  
920 Southview Drive North  
Lafayette, IN 47909

Dear Dr. Ziemer,

I am writing in follow up to our February 5, 2007, letter to you regarding the Rocky Flats workers' special exposure cohort petition. We are disappointed with the Advisory Board's handling of this petition and the strong possibility that special exposure cohort status will be limited to a small class of Rocky Flats workers. Carving small groups of Rocky Flats workers out of a specific class is an injustice to the remaining former workers.

Congress' intent under the Energy Employees Occupational Illness Compensation Program Act (EEOIPCA) was to compensate all former defense workers who have suffered as a result of exposures to radioactive and hazardous materials while working at Rocky Flats and other defense facilities. Yet, based on numerous claims Congress and government investigators have raised, it appears the Administration is seeking to limit worker claims based on public policy and fiscal grounds, not scientific grounds. As stated in the Colorado Congressional delegation's May 2, 2007, letter to you, "numerous reports have accused the Department of Energy and the Department of Labor of mismanaging the Energy Employees Occupational Illness Compensation Program, delaying and wrongfully denying benefits due to Rocky Flats and other nuclear energy workers." These delays and denial of benefits, the letter states, are "a result of conscious administrative policies." Part of their criticism is levied at Advisory Board on Radiation and Worker Health.

The Rocky Flats Stewardship Council finds the Colorado Congressional delegation's claims discouraging, and knows they did not reach their position easily. Like our Congressional delegation, the Stewardship Council is equally troubled by the Advisory Board's continued faith in NIOSH's dose reconstruction methodology and apparent dismissal of questions raised by the Advisory Board's own contractor, Sanford Cohen & Associates. Our Congressional delegation also understands Sanford Cohen "has documented areas of inadequate data and unreliable methodologies", yet the Board's initial decision regarding the Rocky Flats petition appears to

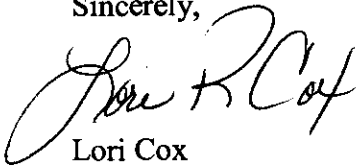
discount these critical questions. The Advisory Board also appears to disregard the testimony provided by sick workers and survivors of deceased workers about their exposures and resulting illnesses.

Rocky Flats is unlike nearly all other facilities in the DOE complex. Rocky Flats housed five of the 10 most dangerous buildings in the federal complex, including Building 771, the most contaminated building. There were two major fires at Rocky Flats, an unknown number of worker exposures, and questions so serious about worker and environmental health that in 1989 one federal agency raided another, leading to an \$18 million fine of the lead contractor. Yet, workers at less contaminated sites have received cohort status.

We hope that when the Advisory Board reconvenes in June that you and your colleagues challenge NIOSH's methodologies and conclusions. We also urge, as we did in February, that should legitimate issues regarding missing records and data reliability remain, as we believe they do, the Advisory Board should not recommend denial of the Rocky Flats workers' special cohort petition. Furthermore, should the Advisory Board not be able to resolve these questions, we again urge you and your colleagues to recommend approval of the whole petition.

None of us can lose sight of what is at stake. Workers are dying as families struggle to cover medical expenses. Special exposure cohort status would not solve the workers problem but would, as our delegation stated to you, "provide meaningful relief." That's what Congress had in mind in passing the EEOIPCA.

Sincerely,



Lori Cox  
Chairman

Cc: Senator Wayne Allard  
Senator Ken Salazar  
Representative Mark Udall  
Representative Ed Perlmutter  
Representative Tom Tancredo  
Representative Marilyn Musgrave  
Samuel Bodman, Secretary of Energy  
Elaine Chao, Secretary of Labor  
Michael Leavitt, Secretary of Health and Human Services