

## **ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM DESCRIPTION**

The Energy Employees Occupational Illness Compensation Act of 2000 (EEOICPA) was enacted to provide compensation benefits for Department of Energy (DOE) nuclear workers who developed work-related illnesses due to radiation, beryllium and silica exposure. Executive Order 13179 was issued on December 7, 2000. Public Law 107-107 amended the EEOICPA statute.

The Department of Labor (DOL) and the Department of Energy (DOE) administer the EEOICPA program jointly, with assistance from the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) National Institute for Occupational Safety and Health (NIOSH).

### **Part B**

DOL provides compensation (\$150,000 plus future medical coverage) for employees of DOE, its predecessor agencies, and its contractors and subcontractors who became ill as a result of work performed related to the production and testing of nuclear weapons. The Part B program covers employees of DOE contractors, Atomic Weapons Employers, as well Beryllium vendors for radiation-induced cancer, beryllium disease, and silicosis.

DOE provides information and data to DOL and HHS (NIOSH) in support of their EEOICPA programs. DOE verifies employment of all DOE workers applying for DOL's Part B program and provides that information to DOL so that it can process Part B claims. DOE also provides radiation dose records for all DOE workers applying for DOL's Part B program and provides that information to NIOSH so that it can perform dose reconstructions for Part B claims.

NIOSH's Office of Compensation Analysis and Support conducts dose reconstructions in order to estimate worker exposure to radiation. Dose reconstruction results are provided to DOL and DOE as part of the EEOICPA application process.

DOJ administers the Radiation Exposure Compensation Act, which provides compensation benefits for uranium miners and millers, as well as to "down-winders" from atmospheric tests of nuclear weapons. RECA applicants are eligible for additional benefits under the EEOICPA program.

### **Part D**

Under EEOICPA Part D, DOE provides assistance to DOE contractor employees who developed work-related illnesses as a result of exposure to radiation and toxic substances. DOE assists workers and their survivors by providing them access to panels of occupational medicine physicians, who can help document whether the worker's illness is work-related.

In September 2002, DOE issued regulations governing the operation of the Part D physician panels (10 CFR Part 852). DOE also negotiates Memoranda of Agreement with States where DOE facilities were located. These agreements permit DOE to empanel physicians to review workers' medical and exposure history to determine causation. DOE compiles a case file on each Part D application, including the worker's medical and exposure data and occupational history. For some Part D cases that also involve a Part B dose

reconstruction, DOE may not send the case to a panel until it has received the completed dose reconstruction. This ensures that the physician panel has the most complete information upon which to make a determination.

Workers may choose to have positive findings by physician panels accompany their State Workers' Compensation applications. Workers or their survivors are responsible for filing their own applications with the appropriate State Workers' Compensation agency. To the extent allowed by law, DOE instructs the applicants' former employers not to contest State Workers' Compensation claims submitted by an applicant who has received a favorable final physician panel determination from DOE.

Note: Under the EEOICPA statute, the Department of Energy does not pay any benefit on Part D claims nor does it represent the worker's claim to the state. DOE assists workers by providing them with the results of the physician panel review, which may help support the worker's claim for State Workers' Compensation benefits. The workers must still seek State Workers' Compensation benefits on their own. State agencies are responsible for reviewing and processing claims. DOE is committed to assisting as many potential applicants as possible, and facilitating payment by DOE contractors of appropriate workers' compensation claims.