

Eula Bingham, Ph.D.
3547 Herschel View
Cincinnati, OH 45208

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Ms. Loretta Young
Office of Advocacy, EH-8
U.S. Department of Energy
1000 Independence Avenue
Washington, D.C. 20585

ATTN: Physicians Panel Rule

The legislation as currently written and the proposed rule explained in the Federal Register of September 7, 2001 do not reflect the expressions of regret voiced by the Congress and Secretary of Energy for placing workers at the nation's atomic weapons plants in harm's way, or their promises to provide assistance. The Department of Energy is spending far more money transporting and disposing of its hazardous trash than it proposes to spend on caring for its current and former workers.

State worker compensation programs are not models of fairness, compassion, or justice. Most operate primarily on the basis of protecting the finances of employers with little or no regard for assisting workers with job-related injuries or diseases. Not only does the Department of Energy seek to utilize these seriously flawed State systems, but it raises the bar for injured or diseased workers by requiring the unanimous agreement of three physicians as to causation. It is unconscionable that only \$34.5 million are allocated for injured or diseased workers affected by unhealthful DOE-site working conditions whereas \$93 million will be spent on administrative costs likely designed to prevent them from collecting anything.

The Federal Government should eliminate the State worker compensation program component altogether and care directly for its injured or diseased current and former workers. These workers supported the national defense effort in the same fashion as members of the uniformed services and should receive the same level of care as those with combat-related injuries.

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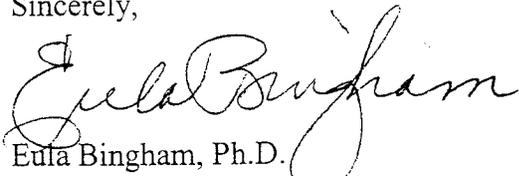
The definition of a DOE contractor employee in II F on page 46743 needs to include sub-contractor employees. Many construction workers at the nation's atomic weapons sites were employed by sub-contractors to M&O prime contractors. It is essential that they be included in the proposed rule.

The definition of toxic substances, proposed section 852.2, should be as all-encompassing as possible to benefit the maximum number of affected workers. Noise should also be included, as many DOE-site operations were known to exceed permissible noise exposure standards. It is unfair and unjust to abandon workers made deaf by their workplace noise exposures.

Proposed sections 852.7, 852.8, and 852.9 can be streamlined by requiring all claimants to participate in DOE-funded former worker programs that administer a detailed exposure history interview and provide a screening physical examination. The information generated in the interview coupled with the worker's own medical records plus the examining physician's findings would comprise the qualifying determination for further Federal government-paid medical treatment and compensation. Physicians supported by this program should provide physical examinations of claimants, not merely a review of their records.

The United States of America and its Department of Energy should make every effort to make the Energy Employees Occupational Injury Compensation Program Act as inclusive and beneficial to all affected workers as possible so as to honor the sacrifices made by citizens who answered the call for the defense needs of the nation.

Sincerely,


Eula Bingham, Ph.D.
University of Cincinnati