

TESTIMONY OF ESTHER DOWNEY

ON

**THE DEPARTMENT OF ENERGY'S PROPOSED RULE
"GUIDELINES FOR PHYSICIAN PANEL
DETERMINATIONS OF WORKER REQUESTS FOR
ASSISTANCE IN
FILING FOR STATE WORKERS' COMPENSATION
BENEFITS"**

RADISSON HOTEL CINCINNATI AIRPORT

OCTOBER 25, 2001

ESTHER DOWNEY

My name is Esther Downey. I will have worked at the USEC Portsmouth Plant 30 years in February 2002. I started on February 1, 1972. When I began my employment at the Portsmouth Gaseous Diffusion Plant in Ohio, I was assigned to work in the stenographer pool. I was sent to replace any absent clerk, typist or stenographer who may have been absent for a day or even a week. This job entailed going to buildings such as the X-705, which contained many hazardous chemicals. I was not informed on how to safeguard myself from radiation or chemical exposure. I used the same restroom as the female chemical operators.

I first noticed blood in my urine March, 1975. The plant doctor arranged for me to go to a local urologist. I was diagnosed with a "transitional cell carcinoma" bladder tumor in April, 1975. From the day I first met my doctor until his retirement in December 1999, I remained the youngest patient he had seen with this type of tumor. He discussed my case at various medical conventions and meetings. He told me that I was an unlikely candidate for this type of tumor in that I was young (30), female, non-smoker and did not work in the rubber industry where bladder tumors are more prevalent. I have undergone Cystoscopy exams and IVPS since my cancer was diagnosed.

I filed a claim through the Energy Employee Occupational Illness Compensation Program Act (EEOICPA). The department of labor has informed me that they are pursuing my claim as a non-special exposure cohort cancer claim. They have forwarded my records to NIOSH for dose reconstruction. The reason they gave for this action is because I contracted cancer before I had been employed for a total of five (5) years.

Radiological records during this period have proven to be inaccurate or nonexistent. I worked in the administration building but was sent into chemical and radiological areas. Administration employees were not even given urinalysis. If my film badge was read, it may have been on an annual basis. I was never given the results.

I, as well as, my fellow brothers and sisters, believed the Department of Energy was safeguarding our health and welfare. By the time we found out this wasn't the case, it was too late for many of us, including my uncle who died of throat cancer.

It is time for the Department of Energy to live up to its moral and lawful responsibilities. Do not follow in the footsteps of Department of Labor in addressing these serious issues and illnesses. It appears that the Department of Energy is placing more obstacles in the workers pathway to achieving a successful state claim.

The aim of congress was to make it easier for workers by setting up these physician panels that would use uniform criteria for determining whether a workers illness was job-related. These rules fly in the face of that aim. It is really disheartening to see the only legislation in fifty years addressing atomic workers health problems, be overturned by DOE rules.