

Exhibit #35

TESTIMONY OF PHILLIP FOLEY, PACE LOCAL 5-550

PADUCAH, KY.

HEARING ON PROPOSED PHYSICIAN RULES

DEPARTMENT OF ENERGY

OCTOBER 25, 2001

WHP

I am Phillip Foley. I have worked at the Paducah Gaseous Diffusion Plant for 26 years. I have worked as a laborer and electrician. I have been exposed to radiation, uranium, asbestos, chlorinated solvents, and noise. I have very likely been exposed to beryllium, plutonium, and many other chemicals and hazards.

While not an expert on worker compensation, I know of no Paducah Gaseous Diffusion Plant employee who has been compensated for an occupational disease. I participated in the first Worker Health Protection Workshop in April 1999, in this 2 1/2 years I have talked with many sick workers. Many of these workers do not have life threatening diseases, but it is very likely many of their problems are work related. Many of these workers have severe hearing loss. No program I know of is even considering hearing loss, even though our Worker Health Program shows about a 75% hearing loss rate. The gaseous diffusion process uses large compressors turned by 3000 horsepower motors, the noise levels in these buildings is tremendous. We have also diagnosed many cases of asbestos scarring. No one other than the manufacturers has ever been held liable for these exposures. Now due to bankruptcy of these manufacturers, this source of help is drying up. Many of these workers received small amounts of money from these manufacturers, but in many cases the payments would not even cover the cost of a funeral. Asbestos was used in numerous places at Paducah. As a cable splicer I personally ground on transite pipe. Asbestos was used in pipe insulation and even the siding on the buildings is asbestos. If time would permit, I could give many more instances of problems, such as neuropathy, skin problems, breathing problems, and diabetes. Now let me personalize this, Mr. Harold Mallory began working at Paducah in 1973. He worked as a maintenance mechanic in C-420, C-340, Cascade Buildings, Shift Work, and Cylinder Hauling and Repair. Respiratory protection was a rag held over his nose. In 1975, at 25 years of age, Harold developed a tumor in his right lung about the size of a fist. The tumor was removed and sent to Louisville for testing. The report came back saying they did not know what it was. It was then sent to Washington D. C. to a lab. After several attempts to get a report, Harold was finally told they could not identify the tumor either. Most of Harold's right lung was removed and scar tissue cut off the blood supply to the remaining portion of it. Harold has been told he does not qualify under the EEOICPA because the diagnosis was not cancer. Harold, now 49, was unable to participate in most activities his children participated in while growing up. He cannot even walk up a flight of stairs without stopping to rest.

And now in response to the proposed rules, instead of following the guidelines of the EEOICPA and setting up a program that would make it easier for affected workers to file claims under their state workers comp laws, DOE has proposed rules which set up another layer of bureaucracy that the act sought to avoid. On August 18, 1999, then Secretary of Energy, Bill Richardson told a group of people at Paducah that the burden of proof should be on the Government. Sec. Richardson said we were not informed of these exposures. And now after many empty promises by DOE, we find more hurdles to jump. We are told Physician Panels will be used to determine causation and exposures using data that is nowhere to be found. What data that is available is very unreliable. Chemical exposure data at Paducah is almost non-existent. Most of the information gathered by our Worker Health Program came from risk-mapping sessions conducted by Mark Griffon and worker investigators from our sites. Knowledge of former workers has been

invaluable in determining where exposures occurred, what chemicals were used, and who was exposed. We have only scratched the surface, with sketchy data, 50 year old exposures, and little cooperation from DOE, the use of worker investigators and the knowledge of both current and former workers will be necessary for dose reconstruction, in order for people to be helped according to the spirit of the EEOICPA. DOE has said they will issue orders to their contractors not to fight claims. While the intent is good, USEC is not a DOE contractor, so where does that leave us at Paducah. Since DOE has placed itself in the position of determining which claims will go to the Panel, It seems to me like we are letting the fox guard the henhouse. I really cannot see a lot of difference in the current anthrax scare and the way DOE has placed Cold War Veterans in harms way by exposing us to many life threatening hazards in the workplace. We received an envelope every day that contained life threatening hazards that we were unaware of. In closing, all we ask is to be treated fairly. Don't enforce these rules, which will just be another bottleneck for an aging population that did their part to keep America free. Please don't let Harold and thousands of other Cold War Veterans just become another casualty of the Cold War. Please don't leave America's Cold War Veterans out in the cold. Thank You.