

TESTIMONY OF MARK LEWIS

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

MARK LEWIS

Hi, My name is Mark Lewis. I am the coordinator for the Worker Health Protection Program for the Portsmouth, Ohio Uranium Enrichment Plant.

From the earliest days of the nuclear weapons program, health and safety issues were secondary concerns. Production and secrecy were the main concerns. There have been many studies in the areas of worker and environmental exposure. These studies were closely held and highly classified, partly because they revealed secrets about weapons work. But the most basic issue was the government's potential liability for health and environmental problems. This could result in an increase in insurance and worker compensation claims not to mention increased difficulty in labor relations and adverse public sentiment. DOE and their contractors fought workers health claims with everything at their disposal.

In 1993, congress passed a law (part of the 1993 Defense Reauthorization Act) that required DOE to set aside funds for programs that would evaluate the health of their former workers. The labor union PACE (which includes the former OCAW International Union that represents many of the workers at these DOE facilities), joined with two universities -Queens College of the City of New York and the University of Massachusetts at Lowell- to design and offer this Program (3161)

As a result of the structure of this program (worker involvement) public meetings were held at GDP sites that laid the foundation for a worker compensation program. At first the administration fought this program. As the result of congressional hearings in the senate and the house we achieved the "Energy Employee Occupational Illness Program" title XXXVI. The President has signed this bill and local resource center is open in various locations in our nation.

This law addresses certain cancers and lung diseases that the federal program covers. It also directs the DOE to help workers apply for state workers compensation. An independent panel of physicians will review worker medical records. If the physician's panel finds the worker's illness meets criteria based on employment at a DOE site, complying with the law, DOE must help the employee file the claim. DOE may also direct its contractor not to fight the claim. It is my belief that the State of Ohio will fight the claim and most certainly the contractors will fight the claim, considering that many of the contractors were not the prime contractors at the time of the employee's exposure and, (as the case is at my site), many are self insured. The question is how the affected agencies get their monies back if directed to pay. (Not fight the claim)

We have achieved something that some people thought was not possible, but most people realize that this law should go even further. (Including most top congressional leaders) We have just taken the first step in a long and arduous process. We cannot rest on our laurels, but must continue to be pro-active in the area of health and safety. We have no other choice. This means demanding that the Department of Energy re-write these rules so that workers get assistance not more hurdles in their way.

Thank you

Mark Lewis