



August 9, 2024

Dr. Aaron Bowman, Chair
Advisory Board on Toxic Substances
and Worker Health
Purdue University, Stone Hall, Room 110
700 Mitch Daniels Blvd.
West Lafayette, IN 47907

Dear Dr. Bowman:

Thank you for the letters dated June 13, and June 17, 2024, from Dr. Steven Markowitz (former Chair) transmitting recommendations adopted by the Advisory Board on Toxic Substances and Worker Health (Advisory Board or Board) during its meeting on May 8-9, 2024. On behalf of Acting Secretary of Labor Julie A. Su, to whom Dr. Markowitz addressed his letters, the Office of Workers' Compensation Programs (OWCP) responds to the recommendations herein.

The Board adopted the following ten recommendations during its May 8-9, 2024, meeting.

Recommendation 1

Directly related to the April 5, 2024 DOL response to the ABTSWH, we recommend that the Program facilitate a conversation between a subset of the next Board and DEEOIC Industrial Hygienists (IH) to gain insight into IH processes. Prior to this conversation, a subset of the Board would develop and submit to DOL a framework for this conversation, to include planning and conducting a subsequent meeting that includes at least two contract IHS.

The Department of Labor (DOL) agrees to work with the next Board to develop a framework to discuss IH processes. DOL also agrees to facilitate a meeting with a subset of the next Board and designated Division of Energy Employees Occupational Illness Compensation's IHS. DOL asks that the Board identify a set of specific questions or topics that the Board wants to include as part of the conversation.

Recommendation 2

The Board requests that DOL ensure that all work processes associated with chemical exposures that have presumptions for Parkinsonism in the Procedure Manual also have associated linkages to Parkinsonism in the SEM.

The Site Exposure Matrices (SEM) already identifies the toxic substance exposure listed in its Procedure Manual (PM), Exhibit 15-4.20 pertaining to causation presumptions for Parkinsonism as having a disease link associated with Parkinsonism (carbon monoxide). It is important to make the distinction that Exhibit 15-4.20 describes a presumptive causation standard that allows

for the acceptance of Parkinsonism (or its aliases) once particular parameters are satisfied. Specifically, the standards require (1) a diagnosis of qualifying Parkinsonism, or any reasonable alias; (2) acute occupational exposure to carbon monoxide that caused the claimant to become unconscious at the time of exposure or caused injury to the brain; and (3) the diagnosis of Parkinsonism, or any reasonable alias, occurred after an incident involving an acute occupational exposure to carbon monoxide. The standard in the PM does not include a causation presumption involving manganese or steel, as suggested by the Board in their rationale for this recommendation.

In addition, the SEM also already contains data that documents that the same work processes listed in the PM could bring the employee into contact with the listed toxic substance. Based on the information contained in the Board's rationale for this recommendation, they may be confused about where to find these in the SEM and how this is different from Direct Disease Linked Work Processes are used. As such, we would be happy to include a discussion of this issue when the IH's meet with the Board, or a subsection of the Board, as recommended above.

Recommendation 3

The Board also requests that DOL add work processes to the SEM and Procedure Manual that are currently found in HazMap that link Parkinsonism to exposures that are already on the current presumption list for Parkinsonism (i.e. manganese, carbon monoxide).

Currently, HazMap provides no information about associations between toxic substances and Parkinsonism. The health effect data listed in SEM originates from other sources. The health effect link listed in SEM for Parkinsonism is one of the over 136 disease links in SEM that are not referenced in HazMap. DOL maintains a listing in the SEM of the toxic substances that the DOL recognizes as having an established Parkinsonism health effect including manganese and carbon monoxide.

Recommendation 4

In addition, the Board also recommends that all associated aliases for Parkinsonism be updated in the SEM and Procedure Manual to include "Primary Parkinsonism".

DOL agrees with the recommendation and will add the alias to SEM.

Recommendation 5

Finally, we recommend that a working group continue a review of the literature to evaluate whether associations between Parkinsonism and solvents, or other chemicals likely to be present at DOE sites, warrant consideration for new exposure presumptions.

DOL agrees to continue its collaboration with the Board regarding consideration of additional causation presumptions involving Parkinsonism, or its aliases, and to ensure that health effect information maintained in SEM about the condition is accurate.

Recommendation 6

The ABTSWH recommends that the Department of Labor (DOL) inform and submit to the Board (after classification review), in writing, a list of any and all changes to the SEM, prior to and with each change in the public SEM [i.e. the internet accessible SEM (IAS)].

DOL agrees to provide the Board with four files Paragon Technical Services (PTS) prepares for DOE classification review. These identify the changes made to the SEM since the last data freeze. DOL will transmit the files for the latest Freeze #27 update that occurred on June 25, 2024, to the Board separately because they are electronic Excel spreadsheets. These files will include:

- File 1 lists the sites that have been revised since the last freeze. Note that some sites may have only been revised to fix editorial problems (for example, a typographical error not affecting the content or deletion of extraneous information).
- File 2a Part 1 lists new toxic materials added to SEM since the last freeze. This list is not site-specific.
- File 2a Part 2 lists existing toxic materials with new or changed aliases in SEM since the last freeze. This list is not site-specific.
- The File 2b report lists all changes for each site since the last freeze. The format for this file was developed to meet the requests from the DOE Office of Classification for the classification reviewer's benefit. It is different from most other spreadsheets in that 1) each site's changes are listed on a separate Excel tab, and 2) the change information is listed down in the columns; the only relationship across a given row is specified in the column headers. In other words, the information across a given row does not relate to all the other information in that same row. Boundaries of related information indicated in the column headers are separated by a green cell. Since there are no classification issues associated with Uranium mills, mines, etc., the changes to those sites are not included in the File 2b report (revised sites are included in the File 1 report).

Given that PTS does not send information to DOE about information removed from SEM, DOL is working with PTS concerning the creation of a listing about information deleted from SEM for each data freeze. PTS is in the process of changing their procedure to better capture data deletions and it has already instructed its researchers not to delete data without approval. Once a process is established for reporting data removal, DOL will provide the Board with an update and the output from such an effort. The intent will be for DOL to provide the Board with an inventory of SEM data deletions along with the above-mentioned reports for each public update.

Separately, DOL and PTS are also exploring options to communicate publicly a more detailed accounting of revisions made for each semi-annual public SEM update.

Recommendation 7

The Board recommends that DOL direct their contractor (currently Paragon Technical Services, Inc.) to prospectively and retrospectively provide notation of any changes to

toxic substances, labor categories, facilities and work processes that are/were altered in the SEM, with documentation of the rationale for the change in the SEM.

DOL respectfully does not agree with the Board's recommendation. Every entry in the SEM spreadsheet includes a document citation and source notes that provides the overall justification for the data output. However, to add a requirement for PTS researchers to provide a detailed accounting of their decision-making process in the review of often thousands of pages of DOE documents as well as the individual data elements extracted from these document reviews would hamper the ability of PTS to update Site Profiles in a timely manner. As an example, two site profiles undergoing a 10-year facility update (one is well into the process, and one is only at the tier one document request) involve the review of over 3000 documents. Based on these reviews, over 2700 rows of captured data have been added to the Los Alamos National Laboratory spreadsheet (the tier one document capture) and over 16,000 rows of data captured have been added to the Kansas City National Security Campus spreadsheet. To explain the rationale for each data element captured would be a significant administrative hurdle, and DOL does not believe this to be an effective use of contractor time or resources.

Recommendation 8

The Board recommends that DOL continue the in-person meetings with PTS, or the current contractor for the SEM, with members of the board's SEM subcommittee on a routine basis and in person (up to three times a year) to discuss ongoing improvements of the SEM.

DOL found that the previous in-person meeting between select members of DOL, the Board and PTS was informative and beneficial. Given the time and cost associated with these meetings, DOL will agree to requests from the Board for ad hoc, versus routine, meetings if both parties agree on the necessity and utility for such a meeting.

Recommendation 9

The ABTSWH seeks reconsideration of its previous recommendation to provide the OHQ to any physician asked to address causation in a case along with the accompanying IH reports that would address the validity of OHQ information thereby mitigating the concerns noted by the program for providing the OHQ expressed in the March 21, 2024 DOL response memo.

DOL has fully reviewed the Board's request to reconsider; however, DOL's position remains that the Occupational History Questionnaire (OHQ) should not be provided to a physician assessing causation. Submitting both the OHQ and the IH report to the physician could lead to situations where the physician is provided with conflicting or inconsistent data pertaining to toxic substance exposures. DOL continues to consider the Division of Energy Employees Occupational Illness Compensation (DEEOIC) IH-produced exposure characterization to represent the best, most accurate information about the nature, extent, and frequency of occupational exposure to toxic substances. Therefore, DOL's position remains that physicians should be provided with the IH report (which is informed by the OHQ), but not provided with

the OHQ document itself, which contains statements about exposure that DOL has not been able to confirm.

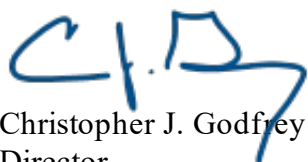
Recommendation 10

The ABTSWH recommends that the Department of Labor [DOL or Department] accept the determination of Paragon Technical Services that trivalent antimony (lung cancer) and 1,1,1 trichloroethane (multiple myeloma) are two IARC 2a carcinogens, as documented in the report of the Paragon Technical Services dated August 3, 2023. The Board recommends that these toxic substances and their specific cancer links be added to the Site Exposure Matrices.

The Department agrees with the Board's recommendation. On May 10, 2024, the Department instructed PTS to add the aforementioned health effects into SEM. Trivalent antimony and 1,1,1 trichloroethane, as well as the associated health effects of lung cancer and multiple myeloma, respectively, are currently available within the internal SEM for Department staff to reference while adjudicating claims. The health effects will also be available in the public SEM in the next Internet Accessible Site (IAS) update, which is scheduled for release in November 2024.

On behalf of the Department, OWCP, DEEOIC, and the communities we serve, I look forward to the Board's continued efforts.

Sincerely,

A handwritten signature in blue ink, appearing to read "C.J. Godfrey".

Christopher J. Godfrey
Director
Office of Workers' Compensation Programs