



May 6, 2024

Dr. Steven Markowitz, Chair
Advisory Board on Toxic Substances and
Worker Health
Queens College, Remsen Hall
65-30 Kissena Boulevard
Flushing, NY 11367

Dear Dr. Markowitz,

Thank you for your letter dated May 2, 2024, transmitting an information request by the Advisory Board on Toxic Substances and Worker Health (ABTSWH or the Board). Our responses to your inquiries are below.

The SEM Working Group of the ABTSWH requests information from the Department of Labor and its SEM contractor on the following:

1. **ABTSWH Question-** At K-25 between 2021 and 2022, the labor category groundskeeper (which had been an alias to laborer) was segregated as a stand-alone labor category. During the SEM Working Group meeting at [Paragon Technical Services (PTS)] in March 2024, DOL and PTS indicated that most of these segregations of labor categories happened as a result of input from claims examiners. What prompted that particular segregation? Were there a large number of groundskeeper claims to make having a separate labor category beneficial? What is the benefit of making a separate labor category versus continuing as an alias? How many groundskeeper claims have there been at K-25 as well as the remainder of the complex?

DOL Response: A SEM Mailbox question came from a Division of Energy Employees Occupational Illness Compensation (DEEOIC) District Office (DO) concerning a claimant working as a “Janitor” at the Y-12 facility in Oak Ridge, Tennessee. The Document Acquisition Request (DAR) records indicated that the worker worked as a “Building Service Worker” during this employment for which “Building Service Employee” was an alias for the Janitor labor category. This claimant also worked at the K-25 facility in Oak Ridge. The DO asked if the K-25 employment as a Building Service Worker would apply since at that time Building Service Worker was an alias for the Laborer category at K-25. The DAR included information indicating the job functions performed in this employment. Based on this updated information, as well as obtaining the labor management contract concerning labor categories, it was clear that Building Service Worker exposures would be best identified by the SEM profile for a Janitor. This updated information also identified a similar shortcoming by applying the grounds work

functions to the profile as a Laborer and that the appropriate Labor Category would be that of “Grounds Service Worker.”

The segregation of these Labor categories was not related to the number of claims for such workers but the accuracy of the resulting SEM profile in such cases. The Building Service Worker profile now has 12 toxics that were not in the Laborer category, including Asbestos. The Grounds Keeper Worker profile now has 42 toxics associated with grounds keeping activities, including all those that were in the Laborer category related to groundskeeping. In general, separating a new primary labor category from an alias can be beneficial if we have a specific set of tasks and corresponding potential toxics that would be associated to those tasks (such as groundskeeping) so that a claimant might get a more accurate and comprehensive assessment of potential toxic exposures.

Per your request for the numbers of groundskeeper claims we have received, we do not track individual labor categories in our Energy Compensation System in a way that allows us to pull that number.

2. **ABTSWH Question-** What other reasons have been applied for separation of labor categories – number of claims, need for clarity of job duties, others? What other factors inform this decision? Who makes that decision? How is it documented?

DOL Response: The only time labor categories are separated in this manner is when additional information becomes available that provides more detailed information concerning functions and activities associated with the various labor categories. During development of an original spreadsheet, or during a major update where PTS has obtained a new or more complete listing of labor categories (i.e. after a Contractor change, Mission change, new bargaining unit and job jurisdiction definitions, or just an update of titles used in the 1950's/60's vs. post-2000), the PTS Researcher will develop a more comprehensive breakdown of labor categories. It is not uncommon to consolidate similar job titles/functions, or to split them out if they can be shown to have different responsibilities (Laborer vs. Groundskeeper is a great example). All entries in the SEM spreadsheets are documented with references.

3. **ABTSWH Question-** How many of those separations/segregations have occurred? Are they traceable? Is it possible for the SEM to indicate that such changes have been made? If not, why not

DOL Response: The entries are documented by reference, but the number of such changes are not recorded because it would be impossible to count every possible iteration of changes made in a profile. Entries are now documented in the references if questions arise concerning specific elements. Often, PTS will review these references to answer SEM Mailbox questions. Updates to SEM involve new information. When the information includes labor categories, PTS evaluates them and makes changes as

appropriate. The only way they would be traceable is by examination/comparison of the new spreadsheet against the older one.

4. **ABTSWH Question-** PTS indicated that there were buildings that they had received only building titles and numbers with no information relating to potential exposures. How many such buildings are there and at which sites? Has DOL or PTS reached out to DOE for assistance in gaining additional information on those buildings? Has DOL or PTS considered adding a statement to those entries that they have no additional information on those facilities?

DOL Response: The majority of major Department of Energy (DOE) Sites have had buildings with little or no information other than a number and a name, because they are approaching 70-80 years old and have had many buildings erected, re-purposed, added to, and often subsequently removed when needs/missions/processes were changed. PTS entered these as the spreadsheets were developed, usually from facilities lists or site layout drawings. PTS would then populate data for them if they found more information. Where PTS has no additional information, the building is left in the spreadsheet, recognizing that new building information may be provided in the future. With each major update, new information is provided which improves the quality of the data. When PTS does a major update, they usually ask the Site POC to get documentation that will help fill in the blanks for these buildings. Sometimes PTS will receive a response that might include what work processes took place in the building. Most often, however, they do not get useful information and just leave the building entries in the dataset in case some documentation is unearthed and provided in the future. Adding a statement that the data shown is all we have serves no purpose. What is available in SEM is evident when you “click on” the building title or number.

5. **ABTSWH Question-** On the chemical hazards that are mixtures, are the components of the mixtures deleted from the SEM? If so, does the SEM retain any accessible information about the components of those mixtures? Does the SEM identify in the SEM when a change in the listing of mixtures vs. components is made? How many mixtures have been added to the SEM that have resulted in deletions of the mixture components?

DOL Response: The constituents of tradename substances and mixtures from the SEM datasets were deleted in SEM following the DOL acceptance of the Institute of Medicine evaluation of SEM in 2013. There is no documentation of the changes and identifying them can only be accomplished by a comparison between old and new spreadsheets. There have been thousands of spreadsheet modifications deleting the association of constituents to mixtures since 2014. There is no easy way to develop a number for the quantity of mixtures in SEM. As PTS and DOL discussed with the Board in March, this is a DOL Policy decision that was implemented after it was developed in 2013, and since

that time hundreds of profiles were updated that no longer include constituent components of mixtures.

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

Sincerely,

John Vance
Branch Chief,
Branch of Policy, Regulations, and Procedures
DEEOIC

ABTSWH Information Request

Date of Request: May 2, 2024

Delineation of Requested Data\information: As specifically as possible, please explain exactly what specific data or case characteristics the Board is requesting (in order to assure the Program provides accurate and timely information) Please complete one form for each unique data or case request and which Board sub-group will be reviewing the information:

The SEM Working Group of the ABTSWH requests information from the Department of Labor and its SEM contractor on the following:

1. At K-25 between 2021 and 2022, the labor category groundskeeper (which had been an alias to laborer) was segregated as a stand-alone labor category. During the SEM Working Group meeting at PTS in March 2024, DOL and PTS indicated that most of these segregations of labor categories happened as a result of input from claims examiners. What prompted that particular segregation? Were there a large number of groundskeeper claims to make having a separate labor category beneficial? What is the benefit of making a separate labor category versus continuing as an alias? How many groundskeeper claims have there been at K-25 as well as the remainder of the complex?
2. What other reasons have been applied for separation of labor categories – number of claims, need for clarity of job duties, others? What other factors inform this decision? Who makes that decision? How is it documented?
3. How many of those separations/segregations have occurred? Are they traceable? Is it possible for the SEM to indicate that such changes have been made? If not, why not?
4. PTS indicated that there were buildings that they had received only building titles and numbers with no information relating to potential exposures. How many such buildings are there and at which sites? Has DOL or PTS reached out to DOE for assistance in gaining additional information on those buildings? Has DOL or PTS considered adding a statement to those entries that they have no additional information on those facilities?
5. On the chemical hazards that are mixtures, are the components of the mixtures deleted from the SEM? If so, does the SEM retain any accessible information about the components of those mixtures? Does the SEM identify in the SEM when a change in the listing of mixtures vs. components is made? How many mixtures have been added to the SEM that have resulted in deletions of the mixture components?

Statutory Authority: The Board's scope is defined in Section 3687(b)(1)(A-D) of the EEOICPA. Please identify the statutory mandate(s) the data or cases being requested fulfill (for convenience you can refer to them as Subsection A, Subsection B etc.):

This information request falls under the first task given to the Board in its Charter.

Supporting Rationale: Please provide an explanation for this information as it relates to the statutory authority identified above:

The information request will yield an improved understanding of the SEM and how the Board might advise the Department on its improvement.

Intended Use: Please advise what the Board is hoping to accomplish or learn from the requested data or cases:

The Board aims to better understand the nature and performance of EEOICP.

DEEOIC requested the Board look at this topic?

No, this is a request from the Board.



Steven Markowitz, Chair, ABTSWH

Date: May 2, 2024