

U.S. DEPARTMENT OF LABOR

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ADVISORY BOARD ON TOXIC SUBSTANCES
AND WORKER HEALTH

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WEDNESDAY
OCTOBER 30, 2024

+ + + + +

The Advisory Board met via
Videoconference, at 10:00 a.m. EDT, Dr. Aaron
Bowman, Chair, presiding.

SCIENTIFIC COMMUNITY

AARON BOWMAN, Chair
MARK CATLIN
KEVIN FEAKE
ANDREW LOEBL

MEDICAL COMMUNITY

SAMMY ALMASHAT
KHAULA KHATLANI
MAREK MIKULSKI
KEVIN VLAHOVICH

CLAIMANT COMMUNITY

KIRK DOMINA
CLIFFORD GORDON
JIM H. KEY
GAIL SPLETT

DESIGNATED FEDERAL OFFICER

RYAN JANSEN

ALSO PRESENT

KEVIN BIRD, SIDEM

KEVIN DRESSMAN, Director, Office of Health and
Safety, DOECHRIS GODFREY, Director, Office of Workers'
Compensation Programs, DOLGREG LEWIS, Director, Office of Worker Screening
and Compensation, DOEVANESSA MYERS, Acting Counsel for Ethics and
Alternate Designated Agency Ethics
Official, Office of the Solicitor, DOLRACHEL POND, Director, Division of Energy
Employees Occupational Illness
Compensation, DOLDAVID REINHART, Policy Analyst and SEM COR,
Branch of Policy, Regulations &
Procedures, Division of Energy Employees
Occupational Illness Compensation, DOL

CARRIE RHOADS, DOL

JOHN VANCE, Chief, Branch of Policy, Regulations
& Procedures, Division of Energy Employees
Occupational Illness Compensation, DOL**NEAL R. GROSS**COURT REPORTERS AND TRANSCRIBERS
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f. Rec 6: DOL inform board about changes to SEM prior to public release

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Adjourn

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P-R-O-C-E-E-D-I-N-G-S

10:02 a.m.

MR. JANSEN: Good morning, everyone. My name is Ryan Jansen, and I'm the Designated Federal Officer for the Department of Labor's Advisory Board on Toxic Substances and Worker Health. I would like to welcome you to this virtual meeting of the advisory board.

Today is Wednesday, October 30th, 2024. We are scheduled to meet from 10:00 a.m. to 4:00 p.m. Eastern Time. Please note that there will be no public comment period today.

I'd like to begin by welcoming both the new board members and the returning board members and offering them my thanks and appreciation for their willingness to serve on this important advisory board. I'd also like to congratulate Dr. Aaron Bowman on his appointment as board chair. I've had the pleasure of working with Dr. Bowman for the last few years, and I know that he will do an excellent job leading the board.

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Finally, I'd like to thank Carrie Rhoads from the Department of Labor and Kevin Bird, our logistics contractor, for all their work organizing this meeting and making today's virtual discussion possible. The board's website, which can be found at DOL.gov/OWCP/Energy/Regs/Compliance/AdvisoryBoard.htm has a page dedicated to this meeting. The page contains all materials submitted to us in advance of the meeting and will include any materials that are provided by our presenters today.

There you can also find today's agenda as well as instructions for participating remotely. If anyone has technical difficulties during this meeting, please email us at EnergyAdvisoryBoard@dol.gov. Please note that this session is for viewing only and microphones will be muted for non-advisory board members.

So the public may listen in but not participate in the board's discussion during the meeting today. A transcript and minutes will be

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prepared for today's meeting. As the Designated Federal Officer, I see that the minutes are prepared and ensure that they are certified by the chair.

The minutes of today's meeting will be available on the board's website no later than 90 calendar days from today. But if they're available sooner, they'll be posted sooner. Although formal minutes will be prepared according to the regulations, we also prepare verbatim transcripts and they should be available on the board's website within 30 days.

During the discussions today, please speak clearly enough for the transcriber to understand. I would also like to ask that our transcriber please let us know if you have trouble hearing anyone or any of the information that is being provided. As always, I would like to remind advisory board members that there are some materials that have been provided to you in your capacity as special government employees and members of the board which are not suitable for

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public disclosure and cannot be shared or discussed publicly, including during this meeting.

Please be aware of this throughout the discussions today. These materials can be discussed in a general way which does not include any personally identifiable information or PII, such as names, addresses, or a doctor's name if we are discussing a case. And with that, I convene this meeting of the Advisory Board on Toxic Substances and Worker Health, and I will now turn it over to Dr. Bowman for introductions.

CHAIR BOWMAN: Wonderful. Ryan, thank you so much. It is a pleasure to be back with those returning board members and to welcome our new board members, this being the Advisory Board of Toxic Substances and Worker Health.

So thank you all for being here today.

I know we had originally talked about this being an in-person meeting. We needed to switch it because of scheduling to just being virtual today. And I'm glad it appears almost every

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member of the board has been able to join us today.

So before we go on and launch in the agenda, I would like this opportunity to have each of the members of the board, whether new or returning, to give a brief introduction of yourself, your background, especially your background as is relevant to your service on this board as well as whether or not you're a new or returning member so that we can all get to know you a bit better. Kevin, is there a slide that has a list of the membership of the board? That might be easier. We can just go through it in that order given that we're online. If not, I can --

MR. BIRD: We don't have a slide, but here's what I will do. We can do this.

CHAIR BOWMAN: Fantastic. Yeah, we can zoom in a little bit more. Excellent. All right. So I will begin.

So hello, everyone. I'm Aaron Bowman, currently a professor and interim dean of the

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College of Health and Human Sciences at Purdue University. We're located in Indiana here in the U.S.

I have a background in environmental health and toxicology, especially as it relates to neurological disorders. This is my third term on the board but first as chair. And I very much appreciate the work of this board, of all my colleagues on the board as well as colleagues in the Department of Labor and the Department of Energy as we continue this important work.

Let's move down here with brief introductions. So as you see your name, just sort of speak up. I will move, though, to Mark. And please go ahead and unmute yourself.

MR. BIRD: It looks like Mark is unmuted, but we can't hear him. So maybe we just move on to Kevin Feak.

CHAIR BOWMAN: Yeah, Mark. We'll have to catch you at the end.

MEMBER FEAK: All right. Good morning, everyone. Kevin Feak, I'm a new board

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member. I'm a licensed professional engineer with a background in occupational health and safety. I look forward to working with everyone.

And if you need to, feel free to reach out to me offline. Thank you.

CHAIR BOWMAN: Great. Thank you, Kevin, and welcome. I'm not sure Andrew is with us yet this morning. So we'll move on to the first member of the medical community.

MEMBER ALMASHAT: Hi, everyone. Good to meet you. In advance, I apologize. I won't be able to attend the meeting today essentially.

I mean, if there are very important points, I might be able to jump on.

But I'm on solo duties with a newborn.

So I will have to go actually in a few minutes here. But I'm Sammy Almashat. I'm an occupational medicine physician at the University of Maryland.

My colleague, Dr. Marianne Cloeren, was on the board up until this past spring. We're both on the Medical Committee of the

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Building Trades Medical Screening Program, BTMed part of the former worker program. And that's kind of how I found out about the board.

And I'm very happy to join and very much looking forward to when I can attend in January. But I'll definitely be on the lookout for any to-dos after this meeting. So it's very nice to meet everybody.

CHAIR BOWMAN: Wonderful. Sammy, thank you so much. It's a pleasure to meet you, and we appreciate your service to the board. Certainly understand with the duties of a newborn.

And just as you can, please check back in. Certainly towards the end of the day, we'll be discussing next steps. So if you can towards the end of the program, that would probably be helpful. But very much understand.

MEMBER ALMASHAT: Sounds good.

CHAIR BOWMAN: And thank you for joining us here right now.

MEMBER ALMASHAT: Great. Thank you so

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much. Thanks.

CHAIR BOWMAN: Next?

MEMBER KHATLANI: Hi, I'm Khaula Khatlani. I'm a new board member as well. I'm an occupational medicine physician and currently working as the medical director of worker health protection program which is also part of the Department of Energy former worker programs administered here at Queens College, City University of New York. So this is my very first meeting and looking forward to the rest of the day. Thank you. Excited to be here.

CHAIR BOWMAN: Wonderful. Welcome, Khaula.

MEMBER KHATLANI: Thank you.

CHAIR BOWMAN: Next up?

MEMBER MIKULSKI: Good morning, everyone. This is Marek Mikulski. I am an occupational epidemiologist with background training in occupational medicine.

Currently with the University of Iowa occupational and environmental health. I direct

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one of the former worker programs for former DOE nuclear weapons workers from the state of Iowa. And this is going to be my, I believe, third term on the board.

CHAIR BOWMAN: Marek, thank you. Welcome back. Great to continue working with you. I think we both started on the board at the same time then actually.

MEMBER MIKULSKI: It must've been around the same time, yes.

CHAIR BOWMAN: Thank you. Next up?

MEMBER VLAHOVICH: Good morning. My name is Kevin Vlahovich. I'm the medical director of employee occupational health at the University of New Mexico and assistant professional in the Department of Internal Medicine. Good morning, everyone, and welcome to the new board members.

CHAIR BOWMAN: Great. Thank you, Kevin. Appreciate your continued service on the board. All right. We're now moving on to the claimant community.

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MEMBER DOMINA: Good morning. This is Kirk Domina. I'm a returning board member. I was on the board from the inception in '16 to '20 and then again starting again in '23.

I'm a retired Hanford worker, was out here 38 years starting in 1983. I was a reactor operator, nuclear chemical operator. And the last 14 years of my career, I was the employee health advocate for the Hanford Atomic Metal Trades Council that represented 14 affiliated unions.

So I've been with this program since the inception. I also did workers' comp and then short term/long term disability at our collective bargaining agreement. And I retired as a United Steelworker.

CHAIR BOWMAN: Wonderful. Kirk, thank you for your continued service on the board and the expertise that you bring with you. Appreciate it. Clifford, if you can hear us, you're up next but you're muted.

MEMBER GORDON: Yeah, sounds good. My

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name is Cliff Gordon. I'm a participant in the program. Been in the program for about three years. Been with the Department of Energy before I retired for about 35-plus years. Worked at various laboratories and everything at Los Alamos, PNNL, Rocky Flats, Sandia.

Been using a lot of the work that you guys do and come up with to go through the pathway of getting consequential illnesses and the initial categorization and accepted into the program. So I've been in it for about three years now. And I heard about this board and thought I would join it just with my experience from being in DOE and knowing a lot of the sites and how they do and work and operate from my perspective when it comes to health safety and everything.

CHAIR BOWMAN: Excellent. Cliff, thank you very much. Welcome to the board. We appreciate your commitment to the program.

MEMBER KEY: So good morning, fellow board members. Those returning know my history.

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For the new members, my name is Jim Key. I started at Paducah Gaseous Diffusion Plant in 1974 at the age of 19.

I just retired May of this year after 49 years and 9 months hired in as a laborer, advanced to the electrical training program, topped out as first class electrician. In 1989, I became the, at that time, Oil, Chemical, and Atomic Worker Union's first environmental safety and health union representative at the site. Ten years later in August of '99, I was thrust into a federal investigation.

Washington Post Sunday edition put a front page story, workers at Paducah possibly unknowingly and unwittingly exposed to plutonium, neptunium, and americium. I participated in a federal investigation. Gave the first House Oversight and Investigations Subcommittee testimony in front of Congress, in September of '99.

Lobbied every elected congressional office before the start of 2000 and follow into

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October 30th of 2000 where President Clinton signed into law EEOICPA. I've been in the background at the local union of this program every -- since returning, I believe, third term on the board. Continue to be outspoken representative for the labor community and claimant community as we still have a lot of things that need to be changed to make it more user-friendly and expedite the claims. Glad to see everyone this morning and interested in hearing everyone's comments.

CHAIR BOWMAN: Jim, thank you very much and appreciate your continued service on the board as well as the expertise and interactions that you've had that you bring to our board. Appreciate it. Last but not least.

MEMBER SPLETT: Good morning. I'm Gail Splett. I worked at the Hanford site for 45 years at the Department of Energy. The most relevant experience that's related was as the Hanford site EEOICPA program manager.

Also served for decades as the Hanford

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site senior records official. So my expertise comes in locating and finding a lot of records as well as working with claimants. I've been retired now for five years.

CHAIR BOWMAN: Very good. Gail, thank you. I look forward to continuing working with you --

MEMBER SPLETT: Me too.

CHAIR BOWMAN: -- as well. Mark, were we able to get your mic to work?

MR. BIRD: He's working on it. This would be a great test. Mark, it does look like you're on mute, so you do need to unmute yourself after you change that microphone setting that we talked about.

MEMBER CATLIN: Did that work?

CHAIR BOWMAN: Yes.

MEMBER CATLIN: Thank you so much for your help. And thank you, Dr. Bowman, and welcome to all the returning and new board members. I look forward to working with everyone.

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I'm an industrial hygienist, retired in 2018 as health and safety director of the Service Employees International Union. But before that, I worked for several decades mostly with construction unions and construction contractors including time working at Oak Ridge - - or at Hanford and Los Alamos. I also spent several years working at the Harborview Occupational Medicine Clinic in Washington State which is where a lot of the Hanford kind of connections started. So I look forward to working with everyone. Thanks.

CHAIR BOWMAN: Excellent. Mark, thank you. And just in case he came on, did Andrew Loebel log in since we've gone through?

MR. BIRD: Not yet, no. We're trying to get him on.

CHAIR BOWMAN: All right. Very good. Well, when he's able to join us, we will have him give his introduction then at that time. All right. Well, thank you, everyone.

We are running on schedule which is

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fantastic. So I think I'm going to turn the floor over right now to Chris Godfrey to provide a welcome from the OWCP.

MR. GODFREY: Hey, good morning, everybody. And thank you, Dr. Bowman. And congratulations on your recent appointment as board chair. I think you have big shoes to fill from the leadership that Dr. Markowitz provided, but I'm confident that the board is in great hands and you're going to do continued excellent work for the board.

CHAIR BOWMAN: Indeed. Thank you so much. Yeah, Steven Markowitz was a fantastic chair for this board. His being in that role is what makes this such a big honor.

MR. GODFREY: Well said. Yeah, he provided great leadership and also provided a lot of help to OWCP on matters even off of the board as we've worked on some issues in our Black Lung Program. And I really want to thank all of the new and returning board members for volunteering.

You have to give up your time and you

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have a lot of expertise to share. And I know that's really going to drive the important work of the board. So I hope you all find the time that you spend here on the board to be a really rewarding experience.

I can assure you that from the perspective of OWCP, the work that you do is invaluable. So just as a brief introduction, my name is Chris Godfrey. I'm the director here at the Office of Workers' Compensation Programs at the United States Department of Labor.

OWCP administers four major workers' compensation disability programs in which we provide wage replacement, medical benefit treatment, vocational rehabilitation, and other types of benefits to those who become either injured or ill at their work -- because of the work that they do. So we serve a very disparate community of individuals. We serve coal miners under our Black Lung Program.

We serve federal employees under our Federal Employees' Compensation Act Program. So

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that's anyone from your local person that delivers your mail to people that work on the border to your TSA agents and the like, so all federal employees. We also serve longshore workers, those under our Longshore Program, and then, of course, energy workers under the Energy Program.

So we have a very large group of individuals that we are honored to serve in these disability programs. And in support of OWCP's energy programs and the workers that it serves, this advisory board really performs a critical function by offering recommendations that really make a huge difference to us as we try to drive change and improve the program. To date, the board has offered 43 recommendations.

And I'm proud to report that the program has implemented all or part of 32 of those recommendations. In particular, the board has assisted the Energy Program with improvements in the occupational history questionnaire when is used to help obtain employment and exposure

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information directly from the claimant. It's a huge benefit that we've had in terms of moving forward with claim development.

And then the board has also assisted the program with the creation and updating of presumptions on several covered conditions such as Parkinson's, asbestos-related conditions and diseases, COPD and other pulmonary conditions. And those allow for easier establishment of causation. And that's huge for us so that we can give benefits to those who need them much quicker.

The board further recommended adding a presumptive standard to apply CDC guidance in establishing COVID-19 as consequential conditions for already accepted conditions and illnesses. So that was also coming through and out of the pandemic such an important recommendation. And those are just a few of the things that have come out of the work of the board that has really had a direct impact on those who need these benefits.

And also, quite frankly, just on the

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program and allowing us to do our work better. So the board's work often has an impact that is very, very broad in scale. And one of the things that I was really proud to see was recently Congress changed the statutory requirements for establishing beryllium exposure under the Act.

I think that's just a huge sea change.

I think it's overdue. And I'm just really excited that we have been able to work as a program very quickly to make sure this board recommendation and initiative was embedded in our work so that we can go back, find the cases that had been impacted in that regard, and try to drive positive change in those cases.

So overall, OWCP really looks forward to continuing to provide support to the board, including its efforts to work with the Energy Program and contractor on several things. One, making improvements in the SEM database, keeping the program up to date on medical developments, especially for Parkinson's and other similar conditions. And then lastly, looking at certain

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categories of claims for possible policy recommendations.

We're always looking for ways in which we can drive improvement and make our programs, especially the Energy Program, a model workers' compensation program that others either in state jurisdictions or other foreign jurisdictions can look to as really a model workers' compensation program that really fulfills what the Act tells us to do but also fulfills the grand bargain of workers' compensation overall. So before I turn it back over to you, Dr. Bowman, I'd also like to welcome the members of the public who are listening today. I know you might have comments that you want to submit to the board in writing at this meeting or at a public comment session in the future.

We always value your input at OWCP. So we appreciate your participation here today. And we always look forward to hearing from you in all of the ways in which we accept public comments.

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So with that, I want to welcome everybody, welcome those new members on board, and good to see some of the returning board members. And I'll turn it back to you, Dr. Bowman. Thank you.

MR. BIRD: Dr. Bowman, I think you're on mute.

CHAIR BOWMAN: I sure was. Thank you there, Kevin. Chris, no, I was just going to also say -- to thank you as well as echo your thanks to the members of the public that were able to join us today. And hopefully that the public continues to engage with us in our next in-person meeting probably sometime late January or early February where we will have a period for public comments as well.

So thank you very much for your welcome and your vested interest in working with the board so we can productively work to continue to increase the ability of this program to serve those that we're serving. Thank you so much. We are -- is Kevin and Greg with us? We can, I

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think, move on to our welcome from the Department of Energy.

MR. LEWIS: Yes, hi. This is Greg Lewis from DOE. I believe I see Kevin Dressman on. So Kevin was just going to make some brief remarks, and then I was going to go through a little bit more detailed presentation talking about DOE's role and what we do as part of the program. So Kevin, are you on?

MR. DRESSMAN: Yes, can you hear me?

MR. LEWIS: Yes, we sure can.

MR. DRESSMAN: Okay. All right. Fantastic. Well, good morning, everyone. And thank you for the opportunity for the Department of Energy to participate in the board meeting this morning.

Dr. Bowman, first, thank you for agreeing to chair this very important committee and also to our partners in the Department of Labor for their continued stewardship of this program. For the Office of Health and Safety, which is where Greg and I work, this is part of

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our enduring commitment to the former workers of DOE and who in many cases paid some pretty significant sacrifices in their support of DOE's many historical missions. We see this program as not only a statutory obligation for DOE but also a moral obligation to ensure that former workers who have suffered some medical conditions as a result of their occupational exposures that they are provided the maximum opportunity to get any claims adjudicated.

And obviously, the Department of Energy plays a -- we see a significant role in that process in ensuring that the Department of Labor has all the information that's necessary to adjudicate those claims. This program is for me at least personally, it's one of the most significant and most important functions that we play in our office and our organization. And we look forward to continuing to support the work of the board providing whatever information you need that we can from the Department of Energy, address questions, those sorts of things.

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And I know that there are a number of board members who are also involved in our Former Worker Medical Screening Program. And Greg's organization also administers that program as well. And so we see a lot of opportunities for overlap and ensuring that there's a broad outreach and awareness among the former DOE worker community as possible to ensure that both of these programs fulfill to the maximum extent possible their goals.

And so with that, I'm going to go ahead and turn it over to Greg. He's going to go through more of the details of Department of Energy's role in this. I'm going to have to drop off fairly soon.

I've got another speaking engagement here in a couple of minutes. But I wish all the board members a very productive session and look forward to the opportunity to meet you all in person in the near future. Thank you.

CHAIR BOWMAN: Kevin, thank you very much. We appreciate you joining us, even if it

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needed to be briefly, for you to make the time to do that for the board. And we definitely very much appreciate the productive interactions between the Department of Energy, the Department of Labor, and the board. So thank you again.

MR. DRESSMAN: You're welcome.
Thanks.

MR. LEWIS: Aaron, this is Greg. I'll jump in here. I had a PowerPoint presentation, but I think there's not a tremendous amount of time. So I was going to just kind of talk briefly about what our role is in the program.

And then if there's any questions from board members of if they'd like me to elaborate in any of the items, I'd be happy to do so. So I'm Greg Lewis, the director of the Office of Worker Screening and Compensation Support. So I work for Kevin within the Office of Health and Safety.

And my office administers two programs for DOE. That's the Former Worker Medical Screening Program. We fund and support that

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program.

Of course, there's a number of members of the board affiliated with that program and it's extremely important to us. And we provide a valuable service to those former workers. And then we also administer DOE's role in the compensation program.

And essentially, our role in the compensation program is to provide records. And we do that in a few different ways. First and foremost, we provide documents and records to the Department of Labor and to NIOSH related to individual claims.

So if someone files a compensation claim and if they're referred over to NIOSH for dose reconstruction, typically both DOL and NIOSH will request records from the site or sites that individual worked at. And in many cases, it is sites because often there was some overlap, particularly in places like Oak Ridge or within the NNSA sites. Oftentimes, workers may have visited another site.

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So for one individual, oftentimes DOL and NIOSH will be requesting records from multiple DOE sites. And we're going to provide those records. I'll talk a little bit more about that process in a second.

But the other major responsibility that we do which also involves providing records or information is responding to DOL and NIOSH for larger scale site characterization type projects.

So for this board, the Site Exposure Matrices would probably be the biggest thing that you would be concerned about. So those initial Site Exposure Matrices were put together on each of the DOE sites back in the probably 2005 to 2010 time frame.

DOE was very involved, facilitating research at almost all of the major DOE sites. There were DOL federal contractor teams on site gathering information. And then since 2010, we've been very involved augmenting that database, adding to that database, filling in gaps, responding to individual questions.

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And that work continues right up through today. And then the third thing that we do which is a little bit more behind the scenes but also important is researching and maintaining the Covered Facilities database. So there's over 350 facilities covered under the program, and those are DOE facilities, Atomic Weapons Employer facilities, and of course the beryllium vendors.

And we conduct research and coordination with DOL and NIOSH and then update the actual website. So those are our three primary responsibilities. The one that we spend the most of our time on and probably is most important is the individual records requests.

So I'm going to talk a little bit about that process, particularly for the new board members. Some of the board members who have been on for a term or two have probably heard some version of this presentation. But I'm just going to give an abbreviated description of our role at DOE and what we do on those individual claims.

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So each of our DOE sites has an EEOICPA POC, a point of contact. They are the manager and administrator of this process at each of the sites. So they are the ones that coordinate the work.

They are the ones that ensure that we are meeting the 60-day deadline, that we're providing a quality product, that we're conducting QA/QC and really reviewing these to make sure that we have found everything that we can possibly find. So those POCs are incredibly important. And many of those folks have been with the program for quite a long time.

In fact, one of the board members, Ms. Splett, was the EEOICPA POC at the Hanford site for a number of years. So certainly she is aware of it. They are really the backbone of our program, and they are key in ensuring that the right information gets to DOL and NIOSH.

So typically, the DOE site will receive the request from DOL or NIOSH. They'll conduct a little bit of triage on that request.

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Sometimes they'll cross reference the name, the date of birth, the Social Security number to make sure that all of those look correct.

They match the records that the site has. There might be a site ID or some kind of identifier that the site uses. And then once that triage is done, that claim is going to be distributed to the various entities on site that might have responsive records.

Typically, that's the medical department, the industrial hygiene department, the radiological controls, HR, human resources. Sometimes the records archive. And there might be other groups that can potentially have responsive records.

They're going to conduct a search. The tricky part about DOE records, particularly for employees that have been on site for 10, 20, even 30 years sometimes, is that how those records were gathered and maintained can change over time. So oftentimes for one individual, we might have to go to 10, 15, or 20-plus locations

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to pull those records.

There could be different databases for certain years. For instance, from 1980 to '85 dosimetry records were in one database. From '85 to '92, they were in another database.

Prior to 1980, they were on microfilm.

So for one individual, we'd have to go to multiple places within each of those separate locations. We have -- there are some sites that have 30 or 40 places overall that they might have to look depending on the claim.

So it's not a matter of going to a file cabinet and all information on one individual is in one folder. It's certainly a little bit more complicated than that. But again, our sites do the best they can to locate all of those records.

We redact out any PII for non-claimants that might be in those files. And when needed, particularly for the NNSA and weapons sites, we have a classification review if absolutely necessary. And then, of course, we

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provide those records back to DOL and NIOSH.

I think -- so that's kind of a little bit of an overview of how we gather the records.

One thing I wanted to note is that in the last four years, we've seen a significant uptick in the number of records requests that we're getting from DOL and NIOSH. Of course, some of that is a little bit of an artifact from COVID because in FY20 and '21, the number of requests were down and '21 down significantly.

So just to give you an idea in FY21, we received approximately 12,000 records requests from DOL and NIOSH. That's not necessarily 12,000 individuals because oftentimes DOL will be splitting the request up into an employment verification and a more detailed request for all exposure information and then a NIOSH request would be separate. So it's not one to one in terms of request and individuals.

But in '21, we received 12,000 requests. In '22, it was just over 16,000. In '23, it was close to 19,000. And in FY24, it was

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20,500.

So in the last four years, we've seen a significant increase in the number of requests that we're getting from DOL and NIOSH. And I know that corresponds to an uptick in the number of claims that DOL is submitting. I don't know if it's exactly the same rate, but I know DOL has seen more claims and we are seeing more records requests. So that's kept us on our toes.

And I think it's been challenging. But I think we've been able to keep up with that increase in requests. So in FY24, we had a 95 percent on-time response rate.

So we were able to respond in under 60 days to 95 percent of all requests that we received. We had a few issues at a couple different sites that we had to resolve with manpower and challenges with how the records were organized. But we were still -- and given the increase in requests, we were still able to hit a 95 percent on-time rate.

We were hoping to up that even higher

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this year. And then I think -- sorry. And I think the -- one thing I want to stress is we really don't know what we're going to see in the next fiscal year.

It could increase again. It could stay flat or it could go down. So it's been a real challenge for us trying to stay on top of that, and I think we have been able to and we're going to continue to do so.

And the last thing I'm going to mention, I think I'm right at the end of my time, is that we also, when possible, tried to improve our records collection. So we've conducted a number of indexing and scanning projects in year's past. This year, the project that we're working on right now or the most significant project has to do with records from the Mallinckrodt Chemical Company, the Weldon Spring Plant down in St. Louis.

We identified a collection that's housed within the DOE Office of Legacy Management. Denise Brock, the NIOSH Ombudsman,

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has been very involved and was instrumental in assisting us with that. But we've identified a collection that has both subcontractor company records and subcontractor worker records.

We were aware of this collection, but we didn't realize that it contained worker and subcontractor information. So once we realized that it did contain information, it could be relevant for individual claims. We've already reviewed this collection.

It's approximately 20 cubic feet or 20 boxes of records. It's in a few different formats, so it's not quite that simple. But it's about 20 boxes of records, I'll say.

We've already reviewed that entire collection to capture the subcontractor companies. And we're able to provide DOL with over 300 new subcontractor companies that have been submitted to their BComp database. And now we're going back through that collection to try to index and capture the names of the workers.

And once we're able to complete that

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project, we're going to work with DOL to provide any records related to past claims. And then, of course, as claims continue to come in for the Mallinckrodt, Weldon Spring, remediation workers will be querying this collection or provide those records. So we do -- almost every year, we're conducting a few different projects like that, trying to improve our records.

And as we identify collections that could be improved or could provide additional value to claimants. We work very hard to get those incorporated into the process. So I think I've hit the ten minutes, but I would be happy to take questions on our role at DOE or if there's any other questions you have about specific items.

CHAIR BOWMAN: Greg, I very much appreciate that presentation and going through that. I do, in fact, think we have some time for questions from the board. As far as DOE is concerned from this agenda, this is the time for any questions relevant to DOE. So let me open it

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up to the board for any questions.

MEMBER GORDON: Not really a question but just a statement. Greg, thanks for doing that. When I first submitted my paperwork, you don't think about the big picture. You just think about yourself.

Never even thought about all the different sites. So I had, like, ten different sites they had to go to, to put my packet together. And didn't have a clue of what you guys had to go through on the back end to even put that all together. But that was very enlightening to get that brief right there.

MR. LEWIS: Yeah, thank you. And it is really -- so many workers worked in multiple sites. And even if they kind of for the most part worked at one site, oftentimes they did visit or had kind of smaller periods of employment or work at another site. So once you really -- some workers have done the same thing.

All of a sudden, they start thinking about it. Oh, when I visited here and here and the list can

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grow for sure.

CHAIR BOWMAN: Thank you, Cliff. Greg, I had one question relating to this escalating rate of records requests which is correlative to an increasing rate of the claims request. Of course, the number of claims and such is in cases that we're looking at here as a board related to exposures, to toxic substances, the age of an individual or former worker as well as the duration of their exposures play a role in the onset of any conditions that might be contingent upon those exposures.

Does the Department of Energy have a sense of how the number of employees that were working with DOE has changed? And is this increase also just related to maybe a bolus of employees reaching an age range where these sort of -- where the consequential ailments from exposures are coming out? Is there some way to predict whether or not this is going to continue to escalate because of the trends of growing workforce numbers versus trends of shrinking

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workforce numbers? What insight do you have on that?

MR. LEWIS: Well, all of those questions are things that we've been wrestling with. And quite honestly, I think I wish I had more insight into that. We've wrestled with those same questions.

And it's pretty challenging because at different sites, DOE is so geographically spread out. And then, of course, the mission is very different at these different sites. So some sites are growing. Some sites are closing.

It's kind of hard to say across the board that now there's an influx of workers from everywhere because, again, some sites have been closed for a number of years. They're going down there. Some sites, the mission has expanded in the last 20 years, particularly with cleanup and some of the Recovery Act type of places where they brought in a bunch of people and then they went back out the door.

So in terms of the demographics of the

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workforce, I think it's hard to draw concrete conclusions. And the same thing with the latency periods and the type of exposures, I mean, that really varies across sites and certainly within sites, depending on the type of worker and their occupation. So we've been talking with DOL.

We've been looking, trying to project out how many we're going to see. And then it's also confounded by the fact that I think some of it is, again, an artifact from COVID. The numbers were down.

And then one possibility is that maybe folks weren't -- one, weren't applying during COVID because there were just other things going on or it wasn't on their mind. Even though DOL was certainly accepting applications the whole time and working, folks might not have been applying. And folks also may not have been seeing the doctor.

And so by the time they got kind of back into the medical system, now more things are being diagnosed that maybe could've been a year

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or two earlier. But again, that's just -- that's things that we've talked about with DOL. It's hard to quantify that. We haven't really come up with a way to make a projection that we're really confident in.

CHAIR BOWMAN: Okay. Thank you. Are there any other questions from the board?

Greg and Kevin, if you're still with us, thank you very much for joining us this morning to sharing your perspective. It was definitely valuable and important because we are, in fact, a partnership here. So thank you so much.

MR. LEWIS: Thank you.

CHAIR BOWMAN: All right. We are -- and I think I can do this in two minutes. We're going on to just a review of the agenda for the rest of the day that's going on. So we just basically had introductions, both from the Department of Labor side, the Department of Energy side for the board which hopefully was particularly helpful to some of our new members

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of the board going on.

The remainder of this morning up through lunch is components of the training and orientation information that we do at the start of any new board. Please feel free to ask questions as our presenters go through these items. My hope in running this virtual meeting today was that it would allow us to really get down to business when we have our first in-person meeting to go over this and have us be prepared.

In addition, you'll see as we go through this agenda that so we can continue and really launch our work of the board in preparation for our next in-person meeting. So we're going to have a FACA review, a review of overall the history, a brief history, and the overview of the EEOICPA. Some program updates as well, especially since the last time the board has met, and then some detailed information relating to some of the ethics rules that are important to guide our activities.

We will have an approximate one-hour

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lunch break to enable evidence to recharge a bit and get ready as we launch into the business component, the accomplishment component of the agenda. That will begin with a continuation of any program updates that we weren't able to complete prior to the lunch as well as I think importantly a demonstration of the SEM and how it works for all of the board members. The Site Exposure Matrix is an important tool in the processing and understanding in going through claims.

And so having the board be familiar with how to use it, how to access it, its values, its benefits, its shortcomings. It really was a near impossible task to have the SEM. And so there's always ways to improve.

But as well it has been a very helpful benefit to the claimant community. Then we will launch for the remainder of our time into a board discussion. I'm going to review briefly when we do this what the past working groups and group assignments have been.

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Obviously, that'll only be listing those that are continuing members of the board. The former board members are in these groups as well. But just to give an overview so people will know where those assignments are because I want everyone on the board thinking through those working groups and assignments.

Because we're going to break basically a lot of the work we do as a committee in preparation for coming together as a whole board is done in the hands of those working groups. And so selection and division of us all across those boards will become important later on. Under the leadership of Steven Markowitz, the board put in several recommendations back from our May 2024 meeting.

The department has provided responses to those recommendations. We're going to go over those recommendations and the responses with an eye towards what needs to be done by our working groups, by the board between now and our next meeting in the next context of those

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recommendations. And I will have some slides I put together that'll go through some of those in detail as we do that.

Following which -- and in fact, as Chris Godfrey mentioned, one of the most important ways by which our board helps the program improve is by providing our expertise in making well informed recommendations towards the improvement of the program. And so really one of our major work products is those recommendations.

And being prepared to do those at our next in-person meeting will be important.

But in order to do those, the board acts upon information. Information informs all of our recommendations. And so again, under the leadership of Steven Markowitz, the board made several information requests towards the end of the term of the last board.

We're going to go over those information requests in detail and discuss how we've utilize that information to inform our work going forward. We'll go through all seven of

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those information requests. And one of -- an additional information request was made for 24 new cases for case reviews.

Again, this is the other major way that our board can provide necessary and valued input to the Department of Labor for carrying out the program. The department has identified those cases, has made them available. John Vance is going to go over for everyone, even those returning members can be helped, I think, in terms of how to look at case reviews, how they're structured.

You will find them to be very wieldy - - hard to wield files. So John Vance will provide an orientation to these claims files. Carrie Rhoads has worked out a solution to the -- we used to have to receive claims that we were reviewing via a DVD-ROM which is just a hassle, I think, for the vast majority.

Carrie has a wonderful solution which we've tried out with myself. I've been able to receive all these claims already for review. And

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so she'll discuss how that goes about.

And then we're going to work through the process of reviewing those. And then we're going to just finalize, making sure we have our work plan in place and then end the meeting. We are actually now running a little bit late on time.

So that's the description of our agenda for the rest of the day. I hope that was helpful. I'm going to turn it over to Ryan Jansen for the FACA review.

MR. JANSEN: Great. Thank you, Dr. Bowman. I just want to very briefly discuss the Federal Advisory Committee Act or the FACA. This is the federal statute that governs the administration of the advisory board.

Now as Dr. Bowman referenced, usually at the first meeting of the term, we like to bring in an attorney from the Office of the Solicitor to deliver detailed training on the FACA. Unfortunately, the scheduling didn't work for today. So we are going to arrange to have

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that training at some future date, hopefully in the near future.

But today, I would just like to give a very general high level overview of the FACA just so that the board members have a general familiarity with what it is. So the background on the FACA is that it was enacted in 1972 to ensure that advice by advisory committees is both objective and accessible to the public. The Act formalized a process for establishing, operating, overseeing, and terminating these advisory bodies.

Now the FACA prioritizes transparency and openness to the public. So there are certain requirements for all advisory boards. Some of these requirements are the board must arrange meetings that are reasonably accessible and at convenient locations and times.

The board must publish adequate notice of meetings in the Federal Register. Also, the board must open advisory committee meetings to the public with only a few limited exceptions.

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And finally, the board must make available for public inspection subject to the Freedom of Information Act. Papers and records, including detailed minutes of each meeting.

I also want to briefly touch on informal working groups. So under the FACA, this advisory board has and will continue to use informal working groups to facilitate the work of the board. And working groups are basically just a subset of the overall membership, who are assigned a specific project or topic to address.

So when we create informal working groups, these groups can gather information. They can develop work plans. They can draft reports. They can discuss preliminary findings, and they can report findings to the full board for discussion and possible recommendations.

But there's also specific things that these groups cannot do. They cannot function as the de facto parent advisory board. They cannot make recommendations to the board that are rubber stamped without further action or consideration

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by the full board.

They cannot make decisions that are binding on the board. They cannot speak on behalf of the full board. And they cannot make direct recommendations to the agency. Now it's important to note that meetings conducted by informal working groups are not subject to the public participation and public notice requirements that I discussed above, so long as the specific requirements are met.

So this is just very high level information as I mentioned. This is information that the board members should just keep in mind in planning the work of the board over the upcoming weeks and months and be on the lookout for more detailed training about the FACA from the Office of the Solicitor very soon. Thank you, Dr. Bowman.

CHAIR BOWMAN: Thank you very much. Appreciate that. Indeed at the very end of the day, we're going to talk about upcoming meetings.

And that last bit of FACA relevant training will

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be part of that conversation.

Ryan, thank you, though. I appreciate the brief overview as it is definitely relevant to the work of the board. Now I want to turn it over to Rachel Pond.

MS. POND: Good afternoon, everyone. Welcome, Dr. Bowman, as the new chair. We're very happy that you are willing to do that and I'm looking forward to working closely with you on the upcoming board activities.

Also, welcome to new members. My name is Rachel Pond. I have been the director of the program -- the EEOICPA program since 2008. But I've been with the program since its inception in 2001 I started.

Before that, I was with the Office of Workers' Compensation Program on their Federal Employees' Compensation Program. So I have been here since the beginning. I started as the policy chief working on the regulations and making sure the procedures got out and then again when my predecessor retired. In 2008, I took

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over as the director.

It is my immense pleasure to be a part of this program. It is very valuable. It provides benefits to people that sorely need it.

And I have enjoyed every moment of being a part of it, especially given that a lot of these people who were put in harm's way were never aware that they were being put in harm's way. Next slide, please.

I'm going to talk a little bit about what the -- I'll give an overview. So for many of you, especially the people who've already been on the board, this will be the review. I also am going to just kind of talk about where it came from, what the benefits are.

I'm going to do this as quickly as possible without taking over too much of your time. But just so you kind of get an idea of what the benefits are and what our process is when we adjudicate these claims. So this program is administered by the Department of Labor.

And it was enacted back in 2000

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initially. And there were two parts at that time. There was Part B as in boy. And that was basically what we administered at the very beginning of the program, providing medical benefits and compensation to individuals who had cancer related to radiation, beryllium disease, or chronic silicosis.

Those are the only things we covered at the beginning under Part B. They also at the same time created what was called Part D as in David. And that was administered by the Department of Energy.

The way it was written, it was really more kind of a supplement to a state workers' compensation program when it was handed over to the Department of Energy. So that was for the other conditions for asbestosis and the toxic substance exposure conditions like the lung conditions. Those were all handled by the Department of Energy.

What would happen is a person would file a claim. It would go to DOE where there was

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a physician panel of three physicians who would review the evidence and decide whether or not there was a causal connection. If the panel agreed that there was a causal connection, the individual who filed could take that to the state workers' compensation program.

And that was supposed to provide them with evidence of a causal relationship. And that scenario wasn't that successful. And in 2004, Congress changed the law and they created Part E as in Eric.

That is what we administer now. And what that did was it changed over everything to the Department of Labor to administer. There was no longer a Part D.

And it created the causation standards that are in place today for Part E. And I'm going to talk a little bit more about what that is. But basically, it covers every other condition besides the radiation-induced cancers, beryllium disease, and silicosis.

That could be related to any toxic

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substance that a person might have been exposed to in their workplace at a Department of Energy facility. So that complex causation standard is what we constantly kind of struggle with just because it's -- the toxic substance had to cause, contribute to, or aggravate the condition that the individual has. And we have to establish that it's related to the exposure, that it was related to their work at the site, and there is a causal connection between that exposure and the condition that's being claimed.

So that's kind of the very brief history. Jim actually talked already about how it got signed into law, President Clinton's signature and oversight of making this happen. And here we are today.

We've received over 242,000 claims. We've approved about half of those. We've paid 27 billion dollars in medical benefits and compensation since inception.

And as Dr. Bowman mentioned, we have seen a slight increase in the last year actually

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in new claims. And I think we talked a little bit to Greg about that. I think some of it's because after the pandemic, we were able to go back out in person and do more outreach.

So we're doing more of that. We're seeing more consequential claims and things like that. So there are various reasons that we think that might be happening. That being said, I'm going to -- yes, go ahead.

CHAIR BOWMAN: Real quick. On the amount of claims, the 27 billion, is that all parts, B, D, whatever --

(Simultaneous speaking.)

MS. POND: Yeah, it's B and E.

CHAIR BOWMAN: B and E? Okay.

MS. POND: Yeah, D is no longer in existence. All of the D cases got wrapped up into E. So there's no longer a Part D. That was just the first four years.

And really, that amounted to maybe 100 claims getting looked at and approved to go to the state workers' comp. And it wasn't really a

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benefit program so much back then. So they're all wrapped into Part E now, the ones that were Part D before.

CHAIR BOWMAN: And then overall, do you know the division between the Part B claims versus Part D claims? Is that somebody you have on hand?

MS. POND: About half and half really. And I have lots of statistics I'd be happy -- they're on our web page. And anything additional you want, we can provide to you in terms of statistics.

But yeah, we're seeing, I think, more and more Part E claims. But they're about still half and half. All right. So I'm just going to talk a little bit about the benefits.

We provide lump sum compensation and medical benefits to current and former nuclear weapons workers and their survivors. Now there are very different definitions of survivor based on whether it's Part B and Part E which I'll talk about. And the benefit structure is also

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slightly different because of the -- because Part B and Part E.

And I think that the reason that the Part E benefits structure is different is because it was based on a state workers' compensation system. That was kind of the idea when they first created Part E because the original idea was they were going to go to the state. So you'll see that the benefit structure is a little bit more like you would see in a state. Next slide, please.

So while we administer the program meaning we develop the claims, we issue the decisions and all of that, we really do heavily rely on other partner agencies. Greg talked about the Department of Energy's role. They provide us with very valuable records that provide us -- that will let us know where the individual worked.

We can confirm what Department of Energy facility they worked at based on those records. Department of Energy will provide us

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with whatever they have. But in some cases, they may not have records because it's so old.

So we do work with Social Security to provide records. We also work with BComp and other -- the former worker program to try to get records that we can obtain through various sources. So we were relying on affidavits and pay stubs and things like that where we absolutely need to.

We also work with Department of Health and Human Services through their National Institute for Occupational Safety and Health, NIOSH. They're the ones that do our dose reconstruction for all of our cancer claims related to radiation. And we work with the Department of Justice because Justice administers the Radiation Exposure Compensation Act which is it covers uranium miners, millers, and ore transporters.

I will note that RECA program sunsetted this last year. And so we will still be continuing to take claims related to those

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before the sunset. And we also will be able to adjudicate those under Part E.

But the role that Justice will play and will continue to play is to provide us with records related to the employment. Next slide, please. Program eligibility, I mentioned Part B and Part E. There are different requirements depending on the part that we're talking about.

The employment criteria, medical and survivorship criteria are different. So I'm going to talk about those differences. Next slide, please. So under Part B, DOE contractors and subcontractors, federal employees, atomic weapons employers, beryllium vendors, and RECA are all covered.

Under Part E, the only coverage extends to DOE contractors and subcontractors and to the RECA participants. Next slide. And Dr. Bowman, if you want to stop me and ask questions along the way, please feel free to do that. Or I can just wait till the end and we can take questions, however you want to do that.

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CHAIR BOWMAN: Actually, there's a hand raising function. So if anyone on the board --

MS. POND: Okay.

CHAIR BOWMAN: -- who's currently on screen has a question, please do raise your hand and if it's on topic. But also, Rachel, thank you for being willing to answer questions at the end too.

MS. POND: Sure. Contractor employment, basically a contractor is considered any entity engaged in a contractual business relationship with DOE to provide services, produce material, or manage operations. I think that Greg and Kevin talked about the DOE covered facilities. They maintain that database, and it can be found here. Next slide.

Subcontractor employment basically is pretty straightforward as well. It's any entity engaged in a contractual business relationship with a DOE contractor to provide a service onsite. We do -- the mere presence of an

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employee on the site does not necessarily confirm covered employment.

There does have to -- they do have to show that there was a contractual relationships and that they were doing work for DOE. Next slide, please. Medical eligibility, it's also very -- it is slightly different in terms of the causation criterial. As I indicated, these are the four conditions under Part B that are covered.

Under Part B, the causation criteria is a little bit more strict. So for cancer, it's only radiation that's considered under Part B. And all of those go through a dose reconstruction from NIOSH unless there is a Special Exposure Cohort which I'll talk about.

Chronic beryllium disease has very specific criteria which as Chris mentioned earlier, that criteria has -- for beryllium disease has changed slightly because of a new statute -- amendment to the statute this year, making it a little bit easier for those with

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borderline tests to get into coverage under Part B. Chronic silicosis also has very specific criteria for eligibility under Part B. And for RECA, we will pay a supplemental lump sum if they received an award under RECA, and we'll also pay for medical benefits.

Under Part E as I indicated, it could be any condition related to toxic substances that fit that complicated causation criteria. Next slide. Survivorship eligibility is also different. Under Part B, coverage goes in this order to the spouse, children, parents, grandchildren, grandparents.

Under Part E, first we have to establish that the death was related to the conditions that we would accept. And then it would initially go to the spouse. The children, if there is no spouse, have to have been under the age of 18, under the age of 23 and enrolled as a full-time student, or medically incapable of self-support at the time of death.

That criteria does not apply under

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Part B meaning basically that adult children can receive benefits under Part B and generally not under Part E unless they were medically incapable of self-support. Next slide. So I mentioned the benefit structure. Under Part B if a plan gets accepted, they automatically receive 150,000 dollars to either the employee or their survivor.

We do provide a lump sum benefit for RECA employees of 50,000 because they already received that 100,000 dollars from DOJ. Under Part E, there is not an automatic benefit that you receive once you receive an acceptance other than medical benefits. What the individual will do is file for impairment meaning a permanent loss of function of the body.

We apply the American Medical Association guidelines to permanent impairment. It usually goes to a physician or always will go to a physician who will provide that percentage.

Each percentage of impairment is 2,500 dollars.

I'll talk a little bit more about the details of that in a minute. Also under Part E,

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an individual may receive between 10 and 15,000 dollars for wage loss. And if there is a survivor, that survivor would be entitled to 125,000 dollars in lump sum.

But there is a cap for compensation under the Act, and that's 400,000 dollars. That does not include medical benefits. We will pay for all medical benefits related to the accepted conditions. Next slide.

So I kept mentioning dose reconstruction. Basically, what that means is there are two different ways that an individual can receive compensation for cancer under Part B.

That is membership in a Special Exposure Cohort.

That provides them with a presumption that the diagnosed specified cancer was caused by radiation exposure during their eligible SEC employment. Basically, that means that there were four statutory Special Exposure Cohorts that were the gaseous diffusion plants in Amchitka Island in Alaska. But the Act also allowed for NIOSH to create more Special Exposure Cohorts.

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And to be a Special Exposure Cohort basically means an individual worked there for 250 days at one of these sites. Say, it's the gaseous diffusion plant. And they had one of 22 cancers that are specified in the Act.

That means they do not need to go through a dose reconstruction. They get an automatic presumption of causation. So NIOSH can create more SECs at any time.

Claimants can file a petition to have a Special Exposure Cohort created. Or NIOSH can determine that they are unable to do dose reconstruction and create one. They've created over 130 SEC classes since the beginning of the program.

If there is no SEC and a person worked at the site that is not an SEC site, their case will go to the National Institute for -- to NIOSH for a dose reconstruction. What that means is NIOSH will conduct an assessment of the exposure that they might've had radiation where they worked. They will provide DOL with a report and

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reuse that report to a program called the probability of causation.

And once that POC is run, if it is over 50 percent, the individual will receive compensation for the cancer if it is under the limit. Next slide, please. Okay. So the standard for causation as I mentioned is pretty complicated. It's whether it is at least as likely as not that exposure to a toxic substance at a DOE facility was a significant factor in aggravating, contributing to, or causing the illness or death.

Causation under Part E may be established by an acceptance under Part B. So basically, that means if they've gotten the cancer accepted, we will accept it under Part E without further adjudication. And case development under Part E is -- as I said, it's not straightforward to always get these causation determinations made.

A doctor is not always willing to say that it's related. And therefore, we have to do

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as much as we can to kind of -- to obtain the records, claimants aren't always aware of what they might've been exposed to. That's why this Site Exposure Matrices is so important.

So first, what the claims examiner will do is review the medical -- the employment records, see where the person worked. We will ask for additional information from the claimant.

That could be any -- well, we do an occupational history questionnaire which is one of the things that Chris mentioned.

The first thing under Part E that we'll do is talk to the claimant about what they might've been exposed to, where they worked. It's a pretty detailed interview process. And then we use that to try to determine what they might've been exposed to.

The Site Exposure Matrices is something that we created many years ago. And what it does, it's an interrelational database that provides information about work sites, what exposures one might've been exposed to at a work

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site, and other information. Basically, anything that we've been able to gather through various -- we've done roundtables.

We did a lot of research, and we continue to do research about what these sites might've contained. Can you give me one second, Dr. Bowman? There seems to be some background here. Hold on. I'll be right back.

CHAIR BOWMAN: Yes, thank you. As we're waiting for Rachel to come back, does anyone on the board have any questions so far?

MEMBER GORDON: This is Cliff. I just had one when they were talking about the site exposure. Greg had mentioned that about 2010 I'm going to say became more formalized.

I just remember when I was back at Rocky Flats we -- in 1999, we started, like, a site exposure. And it seemed like once I read the official site exposure on the website. It was the exact same thing that my job category had identified in 1999.

So they probably just forwarded that

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to it. So the question is, are these site exposures ever updated? Or are they just historically they are what they are, especially with some of these labs and facilities that don't even exist anymore?

CHAIR BOWMAN: Absolutely. Cliff, I'll give a stab at that. Actually, some of our information requests and recommendations directly relate to the Site Exposure Matrix and updates and such. Indeed, there is an active process in updating the SEM.

And the board has been wanting to be more involved and informed about how those updates are being made. And we've gotten some information back from the department on those updates. But yeah, it is definitely not a static thing from everything I've seen in my time on the board. I'll turn it back to Rachel who might also have some thoughts.

MS. POND: Yeah, so the Site Exposure Matrices is a living document. We are -- we have a contractor that is assigned full time to work

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on it on a regular basis. We're constantly doing research, updating it.

We work with DOE with any records that they might have that we can add to the Site Exposure Matrices. And so while it started out and the reason we created it is just because there was not enough information. Claimants weren't aware of what they're exposed to.

But it's something that our claims examiners use as a tool. It's not a decision database. It's not something that makes or breaks a case.

But it is something that will help the claimants if they don't have any information about what they might've been exposed to. And so that is one area -- one place that they will go to -- the claims staff will go to see what that person might've been exposed to. Then they will in some cases go to our industrial hygienist.

We have a cadre of a contractor that has industrial hygienists who will do a review of the evidence of record to provide the claims

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examiner with some indication of what a person -- what the extent of that exposure might've been to a toxic substance. And then they'll write a report. And that report can be used to go to a doctor.

And that doctor can then come back and say, provide us with an opinion on the causation on whether or not there was a significant factor -- that this exposure was a significant factor in causing, contributing to, or aggravating the condition. And then at the end of the day, the claims examiner will look at all of that information before they issue a determination on the claim. So these are all tools.

We take whatever information a claimant might already have, if they have toxicology records, their own medical opinions. If they cannot provide a medical opinion on their own, sometimes we will use our contract medical consultants. They will provide information that's helpful in causation determinations where we are unable to obtain it from a claimant.

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For survivor claims as I mentioned, we have to establish that the death was related to the condition. Next slide, please. I just talked about that a lot. But I will say that there is a website, and John will get into much more detail about what that is, what it looks like, and how it is used by the CEs this afternoon. Next slide, please.

I talked a little bit about impairment. Basically, as I indicated, this is a permanent loss of function of the body part or organ. This is how an -- one of the way a person can get paid under Part E.

Not all doctors do impairment evaluations. And so we give the claimant a choice. They can either go to their doctor for an impairment evaluation if that doctor has the credentials and the experience to do it.

Or we can send them to a contract medical consultant that we have -- those doctors that we have a cadre of that are contracted with us can provide that assessment. An individual

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can receive a new rating every two years. And if they have a new condition, they can also get a new impairment rating. Next slide, please.

Wage loss, basically, this is another way an individual can receive compensation under Part E. Claimant may be eligible for either 10,000 or 15,000 dollars per year. It really depends on the amount of wage loss they might've had.

So if it was between 50 and 75 percent of their pre-injury wage, then they can get 10,000. If it's over 50 percent, it would be 15,000 dollars. They can also apply for that every two years.

Survivors may be eligible for wage loss compensation if the employee experienced wage loss prior to the death before they reached retirement age. There's a certain formula for that as well. Next slide, please. So basically, there are two sides to the responsibilities and developing and adjudicating a claim.

First, the claimant has to file a

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claim. We actually have a lot of new things -- ways to file a claim that I think John will talk about in more detail. Then once it gets to a district office, we assign a claims examiner who will collect all the information about employment, medical, survivorship.

And then once they do that, they'll send development letters. The claimants need to respond to those development letters. Next slide, please. This is -- basically, there is -- this is not as relevant to you guys, so I'm not going to go into great detail.

But this just talks about the fact that an individual can have an authorized representative. They do not need to have an authorized representative. There are fee limitations to what they can charge. Next slide.

So this is kind of important to understand. Once the claim comes into a district office, it goes to the claims examiner. They develop the claim. They review the record.

And then they'll issue what we call a

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recommended decision. So once that recommended decision is issued, it is not final. Every single case goes to our final adjudication branch where it is reviewed by a hearing representative.

The claimant at that point has the opportunity to appeal the recommended decision, provide additional information, have a hearing if they want one with a hearing representative, provide additional information in writing. After that period, they can either ask for -- they can object or they can ask for a waiver which means that they don't want to object because it's an acceptance and they can get their final decision faster. Once the Final Adjudication Branch has reviewed all the information, they will issue a final decision.

But even when it's a final decision, the claimant has the right for a reconsideration that they can ask for within 30 days. Or anytime they can ask for a reopening. So let's say in two years they had more medical evidence or they can establish more employment.

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They can ask for a reopening. And the district office and my office will look at it to determine whether we can reopen it. So again, also if there's a change to the statute like the beryllium cases, we looked at about 1,000 cases just to see if they might be changed as a result of that.

Or if there's a new Special Exposure Cohort, we do the same thing. The claimant also has the right to go to district court. Next slide. Once we have accepted a claim, there are a couple of ways an individual can file for more conditions.

The first is if the employee believes they have a new conditions that's a result of their exposure to work. So let's say we've accepted asbestosis and now they have skin cancer. And they think that skin cancer might be related to the radiation.

They can file for that. They can file for any conditions at any time. So even if the asbestosis was denied, they can file for the skin

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cancer.

The thing about if you file for a new condition, typically that will be shortened, the process, because we've already got the employment records and that sort of thing. And we may have to do a new analysis of exposure because it's a new condition and there might be a new toxic substance that would be related to that condition. Next slide. So a new list that I just described is different than a consequential.

Obviously, a consequential condition is where we've already accepted let's say asbestosis. Now they have COPD. They might want to file for that saying that it's related to the initially accepted condition.

They could be a consequential condition. It could be a result of a side effect of a medication. There are a lot of different ways that a person might file for consequential condition.

We have seen the number of consequential conditions raise significantly over

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the last several years, probably just because we've got an elderly population. People are filing for more claims. They have more conditions that arise.

But for consequential, we will pay medical benefits retroactive to the eligibility date of their accepted conditions. These consequential may result in more impairment or wage loss. We issue letter decisions on those.

And if they're denied, the claimant can receive a recommended decision. Next slide.

We have 11 Resource Centers located nationwide. They're in various parts of the country located around where DOE facilities are.

And they provide us a really valuable resource in that they answer all of our phone calls initially. They will transfer those phone calls. They do all of the occupational history questionnaires.

They will help claimants who can walk in, in person to file a claim. They can submit them electronically for them. They are very

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helpful in answering questions or just helping claimants through the process.

So they also help a lot with the outreach that we do throughout the year. We have four District Office locations in Cleveland, Denver, Jacksonville, and Seattle. And then anything just about you want to know about the program is on our website.

We have general information, the document portal where people can submit information, SEM website, a lot of how-to guides.

So we're constantly trying to improve and update the website based on feedback that we get from customer experience surveys and things like that.

Next slide. I think that John is going to go through this. So I'm not going to go through that one. Next slide, please.

And I talked about the Resource Center. So I think that's the end of my presentation, and I'm right at 30 minutes. So I'm happy to take questions.

Also just keep in mind John, who is

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our policy chief, will be writing a lot more detailed information about program updates and the SEM. And I'm happy to answer questions. I will be here throughout the day as will John to help with anything, any questions that arise during your session.

CHAIR BOWMAN: Rachel, thank you so much for this presentation and the background information. Does anyone on the board have any questions right now? Please feel free to ask them if you do.

MEMBER MIKULSKI: This is Marek, and a very brief -- and actually this may be John's question, but I've been listening to your presentation. You've touched briefly on the subcontractor's eligibility. And I was wondering if this has been an ongoing issue.

What types of records is the Department looking for to establish the subcontractor's employment, both in terms of subcontractors directly employed by the DOE but as well as subcontractors being employed by the

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subcontractors on the sites?

MS. POND: That is a good question. And it is a challenge that we face on a regular basis in terms of obtaining records. Sometimes the Department of Energy will have some records that will show the relationship. We do need some evidence of a contractual relationship to provide services on behalf of DOE.

We do go to, as I indicated, we work with -- the daily construction trades provide us with some information about subcontractors whenever they get records. So we have a database that we can look up if we don't have enough information about subcontractors.

But what we'll look for is either they'll be on that list, there will be some sort of information from DOE that there was a subcontractor there, or the claimant can provide us with information about on site presence.

John, I don't know if you want to talk a little bit more about that. With us is John Vance, Branch Chief for Policy.

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MR. VANCE: Thanks. Well, good morning, everybody. Yes, my name is John Vance. I'm the Policy branch chief.

So Marek, in response to your question, we would look at anything that is a reliable document or something that would put together a good picture of what a company was doing at a site in conjunction with, like, a prime contractor.

So for example, what they were looking at for the Weldon Springs facility that Greg mentioned earlier, they were looking at information and data about companies that had employees regularly signing in and getting permission to come onto the site.

So if you have somebody who's working for a particular company coming into Weldon Springs daily for months on end, it's a pretty good bet that the name of the company that they were working for was likely a subcontractor. So we really do look for anything reliable.

It's got to generally be something

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that has got good provenance where we know that it's a document originating from either the contractor or a company that did business at one of these sites.

Generally what's not very useful is just hearsay information about, like, I think this company had information or connections to the site. But it has to be something produced by the facility itself.

And then that information is generally going to be reviewed by the Policy branch and then also our contractor that oversees our BTComp database that serves the assembly of all of our known subcontractors. Does that answer your question, Marek?

MEMBER MIKULSKI: Yes, it does. I mean, you know, the employment verifications are sort of close to my heart and --

MR. VANCE: Yes. I think the general --

MEMBER MIKULSKI: It has been an issue.

MR. VANCE: It's follow the money. We generally are going to follow who's paying what, have what work done, and so that's generally a good rule of thumb.

CHAIR BOWMAN: Thank you. Any other questions for Rachel before we move on to John's presentation?

MS. POND: Thank you, everyone.

CHAIR BOWMAN: Rachel, thank you. We appreciate it.

John, the floor is yours.

MR. VANCE: All right. Well, good afternoon, Board members, sort of an introductory follow-up to that last question. Thank you, Marek, for forcing my introduction there.

So again, I'm John Vance. I've worked with the program for a very long time. Just to give you a little bit of background, I have served the program in lots of different capacities.

I have been an analyst with the program doing a lot of facility research in the

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past. I've done details to the Department of Energy. I have done media and outreach, I have done policy analysis and all kinds of work with Congress on different things. And I've also done a lot of work with the Board. I've been doing a lot of the back and forth with the Board and Dr. Bowman.

You and I can both agree that doing DVDs and overcoming that hurdle was a major accomplishment. That took a little while to figure out. But I'm glad we were able to get a solution for emailing those files back and forth.

CHAIR BOWMAN: Absolutely, John. I agree completely.

MR. VANCE: What a great sigh of relief. So anyway, so just to let everybody know what the Policy branch does, because I think that helps give a little bit of background about how, you know, we work and the connection that we have to the day to day work. And then we're going to get into some updates.

So the Policy branch oversees a lot of

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the things that the Board is interested in. So we are overseeing the issuance in publications of policy directors and staff guidance on how we go about doing the day to day work of adjudicating cases.

I'll provide an update about some of the more recent things that we have done. But it's a really important function for the Policy branch to sort of be the clearinghouse for guidance and clarifications to our staff about issues that they are encountering during their case adjudication activities. That is a really important function of the branch of Policy.

The other big important function that's really relevant to the Board is the Policy branch also encompasses our group of medical health science unit staff that provides advisory guidance and support for our claim operations in the fields of health physics, industrial hygiene, toxicology, and nursing.

So we have on our staff specialists in those areas that provide guidance and also

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oversee some of the work that's being done by contractors supporting case-specific analysis and the application of that specialized areas of subject matter expertise.

And so we'll talk about that probably later this afternoon, about some of the recommendations that touch on issues relating to industrial hygiene, and epidemiology, and toxicology.

The Policy branch does work every single day, not only in those areas but we also do a lot of case adjudication support where we're encountering interesting and novel issues for things that people need in our field offices, or Final Adjudication Branch, or medical benefits group, issues of how to comply with legal, regulatory, or procedural standards.

So we are also providing written guidance back in response to questions and issues that come up in our field. So all of the staff of the Policy branch, including myself, we spend a lot of time inside these case files.

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So we're very well versed on the day to day operations of what the program is encountering and some of the things that are important for the Board to be understanding as far as the work that we do.

Usually for my updates I just sort of run through some stats and things. But Kevin, I'm going to ask if I can just share my screen, because I think I'm just going to have the -- I'm going to pull up our website. Because I think for the new members it might be good to sort of walk through our update and show them some things on our web page, if that's all right.

MR. BIRD: Of course. You should be able to use the share button to go ahead and share your screen.

MR. VANCE: All right, and just let me know when it comes up.

MR. BIRD: Yes, we see it now.

MR. VANCE: All right, very good. So as part of my update, I thought what I would do is just sort of walk through the website as I

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give an update.

So one of the great things that I thought I would highlight is that today is actually a very notable day. It's the day of remembrance for our American nuclear weapons program. So we are actually featuring sort of like a meet and greet at our resource centers around the country.

So we are basically honoring the families and folks that have participated in the work that has been done in our nuclear weapons industry. All of our resource centers are sort of, I would say, sponsoring sort of a coffee and donuts kind of thing this morning. And I asked for an update just to see how things are going.

And they're getting a slow stream of folks in, just coming in. It's an open invite to everybody, but I thought it was interesting timing to have a Board meeting on the same date of our day of remembrance. So I just thought I'd start with that.

Anyway, the thing I'd like to

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highlight is that the website does contain a huge volume of information. And I would encourage all the Board members, even folks that are returning, our website is constantly being updated with information. And some of the things I'm going to run through this morning are actually things that we can talk about from the website.

The website itself, if you want to just do a Google search, you can find it. It's the Energy Compensation Program, our main website. After we do the presentation, I'll send out the link for everybody.

But as you can see, its chocked full of information about different things. I would encourage Board to definitely spend some time, you know, going through this website. It does provide a lot of information about the background of our program, the leadership, our resource center contact information.

And over here we have a whole section dedicated to program highlights. And this is where you'll get a lot of the information I just

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wanted to bring to everybody's attention with regard to some of the things from a policy standpoint that we're doing.

But I was going to start with our statistics and our public reading room. I think this is important for most of the Board members, because they're always very interested in some of the statistical information about where we are as a program.

And I will just, I'm not going to run through every single one of the numbers, but you can see that, you know, the program is quickly approaching \$30 billion in benefits paid to date.

From our stats, I also wanted to just sort of highlight some of the information that Rachel was talking about before. So our claim numbers are pretty high. I mean, we're still seeing a pretty good clip of cases coming in. And our total claims that we've received just from April 20th until October 23rd is 6,552 cases.

So this is the report of new claims being filed in our resource centers representing

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either first time filers or new claims for additional injury or illnesses on existing cases.

So we are still seeing a pretty good clip of cases.

I think on a weekly basis I'm seeing anywhere from 150 to over 300 cases. It just depends on what's going on. And I've inquired about the source of some of those numbers. And we just have some very prolific authorized representatives who are out in their communities finding claims and filing on behalf of their client, so no real rhyme or reason.

New Mexico seems to be the epicenter for a lot of new claims, but it's really hard to know about the reasons for that other than just some of the authorized representatives who are very active in the north, or the New Mexico area.

I also know that Director Godfrey mentioned our occupational history questionnaire process. I know that looking at some of the stats here, folks probably may or may not understand the importance of getting good

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information to support our compensation process and the payments that we're making.

But the occupational history questionnaire is one of the most critical pieces of information that helps feed into our compensation process. Because it's basically collecting data about the type of exposures, the extent of material used that an employee encountered during their work.

And one of the stats that I got from a resource center, in addition to our new filing numbers, was also the fact that we received and completed 2,613 occupational history questionnaires since our last meeting in April, so very prolific on the occupational history questionnaires that we've been completing on behalf of the employees.

Getting back to some of the other important information and highlights from our website, first thing I'd like to encourage all the Board members, if you've not done so, to go ahead and sign up for a subscription that we

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have. It's a subscription service where we just sort of provide email blasts out on updates and other important information from the program.

There's a link on our website to get those highlights, so I would encourage folks to do that. Even anybody in the public can actually get those updates.

Some of the important highlights that I wanted to walk through are right here on the website. So we do have a new claim form for consequential conditions. This was something that was a tremendous improvement to our process, because we did not have a dedicated form process for filing for consequential illnesses.

And so folks were using the initiating claim form, the EE-1 or the EE-2, and trying to describe the fact that they were trying to file for consequential illnesses versus primary illnesses due to a toxic substance exposure.

That was creating a lot of logistical headaches and challenges trying to figure out the intent of the claimant with regard to those type

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of claims. So we decided to proceed with a new claim form.

That form is now in production. That is something that folks are now able to access. The form itself is available as both a PDF, but you can also submit it electronically through our EDP system, which is our Electronic Document Portal.

So that represents a really major improvement for this year as far as a new resource for claimants and our ability to not only receive those forms but track those consequential illness claim forms much more accurately.

Another big update for this past month or so, we've had a new special exposure cohort designation that has been made for Metals and Control Corporation in Massachusetts, I believe.

So this is a process by which the National Institute for Occupational Safety and Health goes through a process for evaluating certain groups of employees that worked at sites

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around the country under Part B to access whether or not there is an ability for NIOSH to accurately do a radiation dose reconstruction.

Where they're unable to do those dose reconstructions, they can designate a special exposure cohort class. The special cohort classes are basically an imposition of a presumption that if you worked at one of these sites for a particular period of time, and have been diagnosed with a particular cancer, we're going to approve the case.

They won't have to go through a dose reconstruction where the information of their occupational exposure radiation is then fed into an algorithm that presents a probability of a cancer being work related at 50 percent or greater. That is basically bypassed, and we are able to approve the case.

So through the special exposure cohort designation process, this new class has been named. This circular is something that's issued by the program just notifying our staff that they

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are to begin processing the claims based on the new class.

And that has begun. We have already provided this guidance to our staff. They are beginning to adjudicate the cases. And I looked at the numbers, and I think we are going to be re-evaluating approximately 245 cases.

Those would be previously denied cases looking at anyone that has a history of working at Metals Control in Massachusetts to find out if their case could potentially turn to a positive based on this new class. So that's an important update that we have made. And that just came out recently. That was issued on October 9th.

We are also going to be issuing, on November 4th, some updated guidance about compounded drugs. This is an update that's being made to respond to an industry practice of submitting reimbursement requests for medications where they're combining multiple medications. And the medical efficacy of doing that is questionable.

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So what we are going to be doing is requiring a pre-authorization for compounded drugs to ensure that those drugs are medically appropriate and will actually serve a medical efficacy for responding to and treating an accepted condition.

It's not a very large workload, but we've just seen an increase in those kinds of requests, and so our program has taken a proactive approach in making sure that those compounded drugs are reviewed to make sure that they are not representing a health hazard to certain folks.

In the past year we've updated our telemedicine guidance to ensure -- this was something that was done earlier in the year. This just is an allowance for telemedicine services during routine appointments. I'm not going to spend much time on that.

David Reinhart will be coming in after lunch, I think, to sort of walk through some of the updates for the Site Exposure Matrices. I'll

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be helping him with that, so I'm going to save our discussion of the Site Exposure Matrices for later. We do do updates to that Site Exposure Matrices twice a year, and I'll let David explain that process when he presents.

Some of the other important things that I'd like to point out in our highlights is this right here, our 2024 webinar series. We, at the Department of Labor sponsor webinars that cover a variety of topics.

And if you're on the website right now, or just taking a look at this as we go along, you can just see that we have different topics that we have covered. These are publicly available. We ask that anybody is interested can participate. And the program tries to explain the different topics of our process and provide some background about how we go about doing the day to day work of plant adjudication.

And I do know that last year we had a couple of ones that the Board was particularly interested in, including this one in January with

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the industrial hygienists. I know a lot of Board members did participate in that and thought it was fairly interesting and useful.

They also got to meet the industrial hygienists, because the industrial hygienists actually conducted that webinar. And I believe that if you subscribe to our email service, subscription service, you'll be notified of upcoming webinars.

The other big thing that I wanted to talk about was our updated transmittal. We are in the process right now, it just happened recently, so we're working through the updates on our website. But our Staff Procedure Manual, which is one of the more important documents describing our activities and the work of our staff, has just been updated.

We're moving to this Version 8 right now, is what it is, but we're going to be moving to Version 9 now. I know that they've worked to update the transmittal that's notifying staff about the change. But that is going to be coming

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soon.

Dr. Bowman, I believe we transmitted a draft copy of that earlier in the year, and it's just been published. So we can certainly talk about that later this afternoon.

I would say for the Procedure Manual right now it's mostly administrative updates. But there are some other things in there that I'll cover here shortly that folks might be wanting to be interested in.

I would definitely encourage any new member who is very interested in any of the topics that we are covering or discussing today to certainly go to our Procedure Manual, even if it's the prior addition, to take a look at what it is that goes on in our daily work.

The Procedure Manual is a very robust document that explains lots of our processes regarding how the work of our claims examiners occurs and some of the considerations that we have to make in conjunction with case adjudication.

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Let's see, some other updates that might be important for everyone on the Board, we've updated some other forms. Some travel reimbursement forms have been updated. That's not something that is all that critical to the Board, but just know that we've updated forms.

We're constantly looking for new and more efficient ways to do business. And so one of the things that we try to do is always try simplifying and improving quality of our forms. And in fact, our existing suite of forms is going to go through an OMB renewal process by May of next year. So we're right in the midst right now of updating our forms. And that should be moving forward in the spring.

Let's see, some other updates, we have moved to a new process that allows for a longer duration of approvals on home and residential healthcare. Part of the benefit package that living employees get as far as approval of their claims is medical benefits, including the provision of medically necessary home and

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residential healthcare.

We moved from a six-month renewal cycle to a 12-month renewal cycle. That was issued initially as a program bulletin update and then has now been incorporated into Version 9 now when it becomes available. So we're not having to do as frequent a review of requests for home and residential healthcare.

Because most folks that are in our program are very elderly. And once they've started receiving home and residential healthcare, the expectation is that need for that level of care is probably going to continue for a long duration of time.

Let's see. On the website as well, I would just remind folks we have a lot of data on program statistics, both by our overall statistics and also by facility. So if anybody is interested in looking at facility data, that is available as well.

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All of our resources as far as different kinds of information about the program is available in our program's guidance and resources. David will be talking about our publicly available Site Exposure Matrices portal.

And there's lots of resources for medical providers, authorized representatives, and claimants to gain access to their case records online through different portals that we have available through the website.

So those are the main features of what I wanted to cover. And let me just go back through my notes real quick to make sure I've got everything.

CHAIR BOWMAN: But I was wondering, since you had the website up could you show, especially the new members, where they would go to see the history of sort of past recommendations from the Board and the responses from the Department?

Also if a Board member wanted to look at the presumptions, particularly those under

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Part E, is there a place they could go to find what the current presumptions are as the Board considers updates or recommendations for new presumptions?

MR. VANCE: Yes, let me share my screen again, and I'll do that. And can everybody see that?

CHAIR BOWMAN: Not yet.

MR. VANCE: Let me know. I'm trying to --

CHAIR BOWMAN: Yes, I can't see it.

MR. VANCE: Let's try that. There we go.

CHAIR BOWMAN: Coming up. Yes, we're back to the web page.

MR. VANCE: Okay. So let's go to the Board's website, because that's where the majority of the information on that is. And you can still see this.

Now, of course, I'm going to look at this and not find it right off the bat.

CHAIR BOWMAN: John, if you go over to

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about the energy program, just above, right there.

MR. VANCE: Yes. I knew it was somewhere. There we go. All right, so for Board members and for the public, the Board actually has its own website that I think the Department of Labor sponsors. And within this website, you'll have some background information about the Board itself, its mandate as far as its role in supporting our program and making recommendations to support specific areas of work that is done.

The membership of the Board is provided, and then right here you will have all of the recommendations, the formal recommendations that have been made from the Board to the Department of Labor and the Department of Labor's response. And so all of that is available here.

As you can see, it's been a lot of work over the years. And this is publicly available information, and everybody can review different kinds of exchanges that have gone on

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between the Board and the Department of Labor.

All of the Board meetings that have occurred is also available, including transcripts. So if you ever wanted to spend an afternoon going through the transcripts of the Board meetings, those are available.

And then finally, going through all of this information, there's also some other correspondence that's always listed with many of the meetings. So you're always able to look at different kinds of informational data regarding some of the things that are going back and forth between the Board.

Because there are formal recommendations that are made by the Board. There are also requests for information that the Department of Labor provides. And in fact, I think Dr. Bowman will probably be speaking to a lot of that this afternoon as well.

And then there's just some other additional resources and information available to the public and anybody who's interested about the

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work activities of the Board.

Going back to the second question regarding the presumptive standards, so the presumptive standards, much like the Special Exposure Cohort under Part B for radiation induced cancers, the Department of Labor also has a roster of presumptive standards for our Part E Program. Those are listed in our Procedure Manual. And they are linked through one of our exhibits. And it's Exhibit 15-4 right here.

And here, we can talk about this in more detail later, but if you go to our staff procedure manual, and it is going to be Exhibit 15-4, this lists all of our Part E presumptive standards that exist, not only on a causation basis between an exposure and disease but also some occupational exposure presumptions for asbestos, for example, where we're basically saying hey, if you've worked in a particular job, we're going to assume a fairly significant level of asbestos exposure occurred through a period of time.

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So Board members should definitely become familiar with this, because this is one of the areas that the Department of Labor is most interested in getting assistance, is the identification of any new presumptive standards that can be applied to our case adjudication process.

Because it essentially bypasses the full adjudication process that we go through to assess exposure, to have a physician review it, to make a judgement of significance regarding the amount of exposure someone encountered and the development of disease.

So the Board has been very helpful in the past in identifying and adding new presumptions, so this is something that I think is a very important focus of the Board's work and has actually resulted in some very positive effects over the years for different climates.

Other questions?

MEMBER GORDON: Hey, John, this is Cliff. Do you look at this manual website as

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mainly reference material they click on or for a claimant, let's say, perhaps? Is this a how to website that will take you through, like, the claim process and what needs to be done step by step? So what was the purpose of this website and what needs does it fill?

MR. VANCE: Yes, good question, but I think -- and the answer is yes to all of that, okay. So it is intended primarily as an internal staff guidance document. It basically explains to our claims examiners, our hearing representatives, and our medical benefit adjudicators, how do you go through the steps of evaluating a case to come to some sort of adjudication outcome, right?

That is basically like an internal SOP on how to do the minutiae of the work. But you have to understand that the procedure manual is a reflection of the legal standard that exists in the statute and then further clarified through regulation. And then all of that is how do you put all of those things into your day to day work

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in adjudicating a case?

And so the procedure manual is basically the street level guidance document for our staff to do their job. So when you go and review that document, it's going to provide you guidance and generalizations about how to do whatever it is that you're encountering during your day to day work, okay.

Now what's nice about it is that it's a public facing document as well. Well, it's intended as a staff manual, but the public does have access to it to understand what it is the claims examiners, the hearing representatives, and the medical benefit examiners are doing to get to those decisional outcomes.

MS. POND: I would just add that, to your question, Clifford, the procedural manual itself is really a -- it provides, as John said, it provides our claims staff with procedures to follow when the adjudicator closes.

We've also done a lot of other things that are geared toward the claimants and the

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authorized representatives. We have journey maps which kind of walk through the process and the timelines of how long it's going to take.

We've got a whole section that says it's for claimants, that talks about each step and each piece of the process. So for claimants and authorized representatives, that's where they would probably go first. Because it's more digestible information.

The procedure manual is, like, 100-plus pages long, and it's got a lot of detailed information. But these journey maps and other kinds of resources that we were creating and continue to create are also on there.

CHAIR BOWMAN: Okay, I think I'm going to stop here. I believe Vanessa is with us. And she has only a very limited amount of time. So we're going turn this over to Vanessa.

John, I thank you already. I believe you're going to have a Part 2 after lunch coming up as well.

MR. VANCE: All right, yes, thank you.

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MS. MYERS: Hi, everyone. I'm realizing, I think, my visual is not showing up. But give me a second, see if I -- oh, I see what's happening.

CHAIR BOWMAN: There you go, we can see you now.

MS. MYERS: Welcome, it was not recognizing the camera that is on my desktop computer for some reason. Well, no one claims that I am a technology expert. But I am an expert in the ethics rules, so thank you all for having me here today.

My name is Vanessa Myers. I'm the acting counsel for Ethics and Alternate Designated Agency Ethics official for the Department of Labor. That means I'm the career ethics official at the Department, and I am here to provide ethics advise to all the Department's employees, including you as special government employees on this FACA committee.

I have a short ethics presentation here. But the biggest takeaway I want you to

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have from my presentation is that we are here to support you, myself and my staff. If you have any questions, you can always take them to John, or Carrie Rhoads, or anyone in the OWCP related to the Ethics roles.

But they can also connect you directly with me, and they should have provided you a PDF that has my contact information. So you can reach out directly to me if you have any ethics concerns.

I'm going to cover about five or six various ethics topics today. But the document that you were provided, as well as my presentation, is just supposed to be a basic, useful, friendly summary of the ethics requirements. It's not specific legal advice, and I do not expect any of you to be experts on the rules.

I'll save questions for the end, but please feel free to ask me questions when I get there. I'm happy to answer any questions you have about anything I say.

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First I want to talk about financial conflicts of interest. That is the financial, you know, conflicts are what most people think of when they think of federal ethics rules. The general rule is that you may not participate in a particular matter involving specific parties where you have a financial interest that can be impacted by the member.

Your financial interest is not only own but your spouse, your minor children, anyone with whom you are seeking employment, anyone with whom you're in a general partnership, and any organization where you serve as an officer, director, trustee, or employee of that organization.

There are a number of financial interests that you can have. But you are only required to recuse if you are working on a particular matter involving specific parties, you know, a particular decision that will impact a single party or a small sub-set of entities or individuals, you are required recuse if one of

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those individuals impacted by your work is a party to the matter.

There are a number of exemptions for financial interests. So anything held in a broadly diversified mutual fund, you know, think your S&P 500 mutual fund, your Vanguard 2050 retirement funds, those are exempted from the rules. Nothing held within those funds creates a financial conflict of interest.

In addition, any stock holdings you have that are less than \$15,000 in value, those are exempted under a regulatory exemption. So if you have only \$1,000 in Apple stock, you do not need to recuse from a matter that involves Apple.

There are also particular exceptions for sector funds, depending on what type of matters you're working on. If you have any questions on that that are very specific, please feel free to reach out to me.

In addition, the financial interests that arise from your non-federal employer, you do not have to disqualify from the matter if the

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matter at issue is a general policy matter that effects your employer as a part of a class.

So for example, if you are doing work in this committee that could affect all institutions of higher learning, and you happen to work for the University of Colorado, you do not need to recuse just because it could affect your employer. That is because you are a special government employee on a federal advisory committee.

I think for financial conflicts of interest, this is why you fill out those very annoying OGE 450 confidential financial disclosure reports. It is up to you to disclose your information and for OWCP to compare what you have reported against the work of the committee.

They can flag issues or you can proactively flag areas in which you have a concern. But the financial conflicts of interest rules are exactly why we have you fill out those forms and why we review them.

As a reminder, those forms are

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confidential. They are not releasable to the public, they are merely a tool for the Agency to screen for financial conflicts of interest.

Similar to financial conflicts of interest, there are also ethics, civil regulations that deal with non-financial conflicts of interest. These are your relationship conflicts of interest.

The ethics rules state that you may not participate again in a particular matter involving specific parties where someone with whom you have -- they call it a covered relationship, but I want you all to think of it as a close personal relationship -- if someone with whom you have a close personal relationship is a party to the matter or representing a party to the matter.

So this could be room-mates, or members of your household, close relatives. I'm not talking about your third cousin, three times removed who you haven't seen in 20 years, I'm talking about someone who you regularly have a

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close personal relationship and is a member of your family.

You can also have covered relationships with your employers and clients, former non-federal employers and clients for a year after you depart that organization, or organizations other than political parties for which you're an active participant.

The best example I can give for this is that if I was participating in a matter on behalf of the solicitors office, and I showed up to represent the Department, and opposing counsel was my best friend of 20 years, that is a situation where the ethics rules may dictate me to recuse from that matter.

They only mandate recusal if a reasonable person with the knowledge of all the facts would not believe you could be impartial in carrying out your duties because of the involvement of this person with whom you have a close relationship or this entity with which you have a close relationship.

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These determinations are very, very fact-specific, so if you're concerned, for example, that you volunteer with a non-profit organization that may be impacted by the work of this committee, please come talk to my office, and we can talk you through whether or not recusal is appropriate, and if appropriate how you could execute that.

Next I want to move on to your non-governmental activities. The ethics rules state that special government employees such as yourself need to avoid activities that conflict with their duties to the government.

This means that you cannot engage in non-federal employment or non-federal activities that conflict with your duties to this committee.

You must ensure that your current employment does not interfere with your ability to provide advice to the Department in this matter.

This can come up in a number of ways.

Largely all of you are here because of your outside employers, right, because of the

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expertise you have in a field. But you would want to be very careful that you are not taking on duties that would disqualify you from the work of this committee in such a substantial way that you could no longer serve on this committee. That's the expectation that the rules have under the government ethics rules.

In addition, there are specific restrictions on outside activities. You are all able to accept compensation for outside teaching activities as long as the course requires multiple presentations and is offered as a part of a regularly established curriculum at an institution of higher learning or as part of an educational or training program sponsored by the government.

In addition, for outside speaking and writing activities, while federal employees generally cannot receive compensation for outside speaking and writing activities, SGEs are specifically prohibited from receiving compensation that relates to their services to

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the government as they are currently being carried out on this committee.

So the best way to understand this restriction is that you may be given an honorarium to speak at a conference that talks on the whole of your professional experience, your expertise and your particular subject matter. Maybe it's related to your outside employment, they want you to speak because you're a physician who specializes in a particular type of illness.

That is fine.

But if an organization wants you to speak specifically about the work of this committee, and your work on this committee, they cannot provide you compensation for that speaking or writing activity. And they cannot otherwise supplement your salary. And I know that's kind of a funny joke, but they cannot otherwise supplement the Department by paying you in any fashion for that appearance.

So that's what I want you all to keep an eye out for. If someone is asking you to

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speak at a particular event, or write about a particular topic, and they've offered you compensation to do so, you want to make sure that it is unrelated to your service on the committee.

Now, if it is in a general subject matter that is of interest to this committee, you are permitted to do that. Because that restriction is applied very, very narrowly to special government employees.

But again, if it's specifically related to your work on the committee, the decisions this committee makes, that is not something you can receive compensation for. Any questions on this, again, should be run through your OWCP contact and my office.

In addition, you have certain restrictions regarding political activity and lobbying activities as special government employees. I'll talk about the lobbying activity first.

You may not represent anyone before another federal agency, or the Department of

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Labor, or in federal court, in any matter involving specific parties in which the United States is a party or has an interest if you participated personally and substantially in the matter as an SGE.

So that means for any matter that appears before you on this committee, you cannot come back to the government, whether it's the Department of Labor or another executive branch agency, to represent a third party on that matter. I have not had this come up in my tenure at the Department. I don't think it comes up very often, but it is something for you to be aware of.

I'll talk about political activity next. This is timely for you all to receive this training as we are less than a week away from presidential and House, Senate, and many local elections.

There is a rule for federal employees called the Hatch Act. The Hatch Act prevents federal employees from engaging in partisan

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political activity while they are on duty or in a federal workplace. Partisan political activity is any activity directed towards the success or failure of partisan political candidates for office.

For federal employees like myself, these restrictions are on us all the time, right.

We cannot, while we are on duty, or in the workplace, encourage any partisan political advocacy. We cannot fundraise at any time, and we cannot run for partisan political office.

But because all of you are SGEs, these rules are applied differently to you. You cannot engage in partisan political activity during your service on this committee, or if you are in a federal building, or if you are using our Webex or Microsoft Teams apparatuses to carry out your duties.

In addition, you cannot solicit or accept political contributions while you are on duty. Where I would be banned all of the time from fund raising for partisan political

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candidates, you are only prohibited from doing that while you are on duty as an SGE.

So we're in this Webex call right now.

I can't pick on anybody, because everybody's backgrounds look great. But this is an exact time where I would think about what can be seen on my Webex screen when I'm engaging in official government business.

Is there any partisan political campaign material in the background? Am I wearing a shirt that advocates for the candidate of my choice? You would not be able to do that while you are in meetings of this nature. Other than that, you are encouraged to always engage in the partisan political process to your own personal desires.

And the last reminder is that you may also, during your service on this committee, not serve as a registered agent of a foreign government. Again, it's not something that comes up very often but wanted to flag for you.

I also want to flag that government

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resources are only to be used for official government purposes. That means that your use of these Webex meetings, any physical resources that may be provided to you by OWCP, and the time and attention of OWC employees, is to be used for the work of this committee and not for anyone's personal or private enterprises or gain. If you have any questions on that, please let me know at the end.

I also want to flag for you that you may not receive anything of value for taking action or failing to take action as a part of the work on this committee. So if anyone offers you a bribe to take or not take action on this FACA committee, please alert me immediately. I will alert the Department of Justice.

Something less fraught than a bribe are gifts. The ethics gift rule states that you may not accept gifts from people who have business before the Department of Labor, who are regulated by the Department, or are given because of your official position unless an exception

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applies.

The appearance of favoritism and impropriety is something that plagues ethics officials across the government. So we always tell employees, even if you could accept a gift from an outside entity that is, you know, that is regulated by the Department, or is offering you a gift that's related to your duties, it may be more prudent to politely decline it.

However, there are a number of exceptions under the ethics regulations. Gifts that are \$20 or less, and up to \$50 a year from the same source, are exempted as minimal or de minimis gifts under the rule.

So for example, if someone that's a stakeholder to the committee, if their corporation wanted to buy you a cup of coffee for \$5, the gift rules would permit it. Gifts based on your personal relationship, again, close personal relatives, spouse, very close friends, you can always accept gifts from them for special occasions, birthdays, holidays.

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You can always accept gifts that are given from your employer or related to your outside business relationships, or your spouse's outside business or employment. So company retreats, things of that nature that are related to your outside employment, are always able to be accepted by you.

You can also accept discounts that are available to a broad range of individuals, so AAA discounts, military discounts, a one-night discount, those are all permissible. And then there may be a number of other exceptions that could come into play.

What you want to focus on when someone or some entity is offering you a gift, is could this entity be impacted by my work in OWCP on this committee, and why are they offering me this gift. Is it because of my work on this committee? Is it because of my outside engagement, you know, what is the particular reason that this is occurring? So those are the questions you want to ask yourself.

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For our FACA committee members, most gifts will fall under one of one of the exceptions. But again, I'm happy to answer any questions that you may have.

Lastly, I know we're running short on time, I want to talk about non-public information. Through your work on this committee, you may be exposed to non-public information in a variety of circumstances. Your designated federal officer, the other OWCP employees, will be very good stewards of information. And they will let you know when something is non-public.

You may not share non-public information with anyone outside of this committee for the gain of that party or for yourself. Note, I did not say financial gain, no one has to make a certain dollar amount of money for a gain to be realized. So non-public information must be kept within the confines of this committee or the confines of OWCP.

In addition, you can never use your

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government title or position to enhance your stature with an outside entity, obtain special treatment, or some sort of benefit. And therefore you must avoid circumstances that imply that the government endorses a particular organization or private activity with which you are associated with.

This means your title, committee member for this advisory committee, should not be used in circumstances to endorse a product or imply that you are serving on some sort of board, or participated in some sort of conference on behalf of the Department of Labor, or on behalf of this committee, unless you have been authorized to do so by OWCP.

This also includes not using your government authority to drum up business, put it on your business card, or for other personal non-official activities. However, you can always list this position and your interaction with OWCP as part of a larger biography of you as long as it is not given any greater weight from your

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other professional accomplishments or to imply that the Department, again, endorses a private outside activity.

After your service on this committee has concluded, you would be restricted from coming back to this Department or any other federal agency again on a particular matter that you've participated in as an SGE.

As I like to tell all committee members, and all Department employees, I am your ethics attorney for the rest of your life, related to your service at the Department. And so I'm happy at any time, whether it's a month from now or two years from now, to answer questions to make sure that you, you know, stay within the confines of the ethics rules.

With that, I'll open it for any questions that you may all have, and you may have several or none.

CHAIR BOWMAN: Thank you, Vanessa.
Are there any questions?

I had a question.

MS. MYERS: Yes, go ahead, Aaron.

CHAIR BOWMAN: When are we having the next in-person meeting there are often members of the public, some of which give public comments, some of which do not. What advice do you have for members of the committee on their interactions in person with members of the public in the context of one of our Board meetings?

MS. MYERS: So in the context of the Board meeting, you are carrying out your official duties on behalf the Department. So you want to make sure that you are keeping that in mind and you're limiting maybe personal opinions or personal, I guess I should say outside activities that may be relevant to those particular stakeholders.

So let's say there is a member of the public who's at the meeting that you need to work with in a different context. You want to make sure that that work is happening outside of the Department and outside the confines of the committee.

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But that being said, you know, the committee meetings are open to the public for a reason. So anything that's discussed in that meeting is public when they are there. And so you should make sure that, you know, the material that you're all discussing is appropriate for that setting, although I'm confident that OWCP will prepare you for that.

Did that address your question, Aaron, for --

CHAIR BOWMAN: Yes, I think so.

(Simultaneous speaking.)

MS. MYERS: -- more specific. Okay. Any other questions?

CHAIR BOWMAN: I'll ask one more. You mentioned something about our roles on this committee and the membership status, whatever, shouldn't be used, what was it --

MS. MYERS: To imply the Government sanctions your outside activities.

CHAIR BOWMAN: Outside employers though will often, in their biographical, say,

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and be proud of members of the Board, for being -- can you talk about -- that seems like a gray area. Can you talk about --

MS. MYERS: Yes.

CHAIR BOWMAN: -- determine which side of the gray area we're on?

MS. MYERS: Absolutely. So a congratulatory post from your outside employer that announces that you're serving on that committee, no problem with that.

A biography of you on their website that includes a line that says serves on the Advisory Committee, as long as it's not given greater weight than your other professional accomplishments, also absolutely fine.

Where you would run into trouble is -- I'm not going to use the employer example, I'll use, like, a slightly different example. If you had a consulting business, right, and you were putting your FACA committee member title alone on a business card that was a private enterprise, you've misused your official title. Because the

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Department has not authorized that particular activity and is not vouching for your consulting services.

CHAIR BOWMAN: Okay.

MS. MYERS: That's kind of where that line would be. Okay.

CHAIR BOWMAN: See if there's any other questions?

One other, at this point --

MS. MYERS: Yes.

CHAIR BOWMAN: -- for me. Can you describe any sort of ethics about how the Board intersects with the Department of Labor, specifically OWCP with DOE? Is there any guidance that members of the Board should consider in that context?

MS. MYERS: Well, what I'll say is that all federal employees are charged to carry out their duties in an impartial and unbiased manner. And that includes special government employees. So you should always be carrying out your duties for the good of the mission, for the

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good of the Department as a whole.

Theoretically, the Department of Energy, the Department of Labor, and all of you on this committee are all federal employees. And so there are not some of the restrictions we worry about with outside entities and, you know, access to information, and gifts, and things like that.

So to the degree that it's all internal to the government, there are much less rules in place. But, of course, the overarching role to carry out your duties impartially and unbiased really will always track.

CHAIR BOWMAN: Thank you.

MS. MYERS: Yes.

CHAIR BOWMAN: Not seeing any other hands or questions, I will again say thank you. I appreciate the time --

MS. MYERS: Yes.

CHAIR BOWMAN: -- you've spent with the Board.

I don't recall if I actually saw the

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PDF that had your content information. I'm sure I did. There's so much information.

MS. MYERS: There is so much information in the packet. So I will put into the chat right now, before I head out, my email and phone. But if you have any other questions, you know, feel free to let me know.

CHAIR BOWMAN: Great, and thank you, Vanessa. So while Vanessa is doing that, I will mention that we are now going to be going into a lunch break. It is 12:30 currently, Eastern time, of 30 minutes past the hour for whatever time zone you happen to be in.

We will reconvene in about 58 minutes. So please be back on the call. I think you can leave your connection intact. But thank you. So we will see you all in about 58 minutes.

(Whereupon, the above-entitled matter went off the record at 12:31 p.m. and resumed at 1:33 p.m.)

CHAIR BOWMAN: Dr. Loebel, at the start of the call, all the members of the board

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introduced themselves. You weren't able to do it at the time. We couldn't hear you obviously, but I'm glad we've fixed that now. Would you please introduce yourself and in particular, include some of the expertise for -- as it relates to your membership on the board?

MEMBER LOEBL: Okay. My name is Andrew Loebel. I have a PhD in Sociology, Master's degree in Sociology and another Master's degree in Computer Technology Management. I've had a lot of experience at Oak Ridge National Laboratory doing work for a whole host of federal agencies in problem solving and introduction of data management concepts and new computer technology. I've worked on both tactical and strategic systems.

Related to my epidemiological work, I first got training in epidemiology at the University of Missouri as part of my Statistics and Sociology degrees and became the state demographer in Missouri. Moved to Tennessee in 1973 and began work with the 1970 Census, which

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was the largest database system available at the time. And I was asked to do some epidemiological work even though I wasn't hired to do that by the laboratory as a result of a request by Congress to Oak Ridge National Laboratory for treatment -- analysis of whatever results would be available at the time on the Mancuso Study, which wasn't known at the time. And that was like 1978 or '79.

And that Mancuso Study is something I've asked Dr. Bowman about in an email I sent earlier today, but it was a study that collected all of the death certificates of U.S. radiation workers at the time of death. And when Mancuso collected a certain number of those studies, he was --

CHAIR BOWMAN: Dr. Loebel?

MEMBER LOEBL: Yeah.

CHAIR BOWMAN: Dr. Loebel, I think some of the stuff of you're getting into might actually be new business related to the board, so we'll come back to that at that time.

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MEMBER LOEBL: Okay.

CHAIR BOWMAN: At this point, it was just sort of a brief introduction that was needed.

MEMBER LOEBL: Anyway -- Okay. Well, I got involved in hazardous materials, in the PAAA visits and other Tiger Team visits at all the Oak Ridge facilities and had further studies and work in radiation effects, even though I was a statistician and not a radiation professional. That should be enough.

CHAIR BOWMAN: That's great. Thank you. We appreciate you joining the board and we look forward to working with you as a member of the board.

Before we jump back into Part 2 for John Vance, Carrie has a few items she wanted to raise.

MS. RHOADS: I just wanted to follow up a little bit on what Vanessa said. You all have the ethics or STE's brochure that was sent out to you as part of your initial materials.

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The one Vanessa was talking about is written down in that brochure and also her contact information is in that brochure as well. But I'll send out her contact information in a follow-up email after the meeting. And if you ever need to contact Vanessa or anybody else and you don't have their contact information, just contact me and I'll put you in touch with whoever you would like to be in touch with.

I also want to point out, you can get to the board's website in the way John got to it from the Energy page. You can also get to it from OWCP's main page and also by just putting Advisory Board on Toxic Substances and Worker Health into Google and that will send you right to it.

And lastly, when we talk about confidential information and sending out claims by our new software that we're using, Kiteworks, John's the one who discovered or figured out how to use Kiteworks and will be helping us figure out how to use it as well. So if you have

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questions, I will be happy to help you, but I might just be asking John to help as well.

Dr. Loebel, while we're on the transcript, you were able to hear Vanessa for the Ethics training. Is that right?

MEMBER LOEBL: Yeah.

MS. RHOADS: Okay, great.

MEMBER LOEBL: Yes, I was. I had a couple of questions --

MS. RHOADS: So I don't have to arrange other session. Okay.

MEMBER LOEBL: I had a couple questions at the time --

MS. RHOADS: Okay.

MEMBER LOEBL: -- but I can deal with them later.

MS. RHOADS: Sure. Just send them to me in an email and I'll get them to Vanessa, that will be fine.

MEMBER LOEBL: Okay.

MS. RHOADS: Okay. Thank you, Dr. Bowman.

CHAIR BOWMAN: You're most welcome.
All right. John, I'm turning the floor over to
you.

MR. BIRD: John, you might be muted.

MR. VANCE: Hey, Kevin. Can you hear
me all right?

MR. BIRD: Yeah, we can hear you now.
His video might have been frozen.

MS. POND: You're muted again, but we
can see you now. John, we can't hear you.

MR. VANCE: Anything yet?

MS. POND: Yes, there we go.

MR. VANCE: I don't know. It switched
to recording mode and then my entire system went
crazy. So can everybody hear me and see me all
right?

CHAIR BOWMAN: We can now.

MR. VANCE: All right. All right,
well sorry about that little technical delay.
Video and virtual is always amazing. So I think
this is Part 2 and we've got 28 minutes or so to
get through a quick Site Exposure Matrices demo.

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I'm actually just going to be sort of doing the introduction. I have an analyst with my staff who is the contracting officer representative for our Site Exposure Matrices and our Database Management Team. He's going to give you a lot of detailed walkthrough of the system and some of its functionality.

But what I wanted to do is just start out by simply saying I've added a link to the Site Exposure Matrices website, so if you click on that in the chat, that will take you to the main site. There's an education video there for folks that I would encourage you to take and go through if you've not had a chance to have any experience with the Site Exposure Matrices. And I'm going to give a quick five minute quick explanation of how the Site Exposure Matrices works into the process for case adjudication. Okay?

So as you know, this is a Worker Compensation process that's designed to try to figure out, you know, when an individual has

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worked in the Nuclear Weapons industry and has been exposed to toxic materials, we need to determine what's the probability or the likelihood that a diagnosed illness is associated with some sort of exposure that that person encountered in their work, whether that's a biological, chemical, or radiological material. All right?

Now as you can imagine, if we're talking about going back through the history of the Nuclear Weapons Program in the United States, we're talking about a very long history of work that's been done with lots of different materials. The statute requires that we provide the claimant with the ability to provide information in support of their cases. Normally, in any Worker Compensation program, when you make the claim, you're obligated to provide the data and the information necessary to substantiate your claim. In recognizing that most claimants that will be filing claims would not have access to detailed accurate information about the type

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of materials that were present in their workplace or the types of materials that they worked with in any degree of specificity, the Department of Labor on its own volition developed a database of information about the materials that we know through documentation and other information and research that has been done that can be linked to particular sites around the country.

The reason this is important is because that is critical information for the factual construction of any claim going through our case adjudication process. Basically, what are the materials that the people worked with that we are going to try to prioritize for evaluation so that a physician can then look at that and weigh that information in making that causation judgement as to whether or not an exposure to a particular material could cause, contribute, or aggravate a diagnosed inflamed illness. All right.

So the Site Exposure Matrices is a very robust resource with pluses and minuses that

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provides information that our claims adjudicators use in developing the factual framework of exposure for employees. And what it is, is the relational database so that we can plug in lots of different criteria about what the employee did, their job, their work process, the locations of their work, and we can try to refine that information down to identify salient toxic substances that we want to then probably have an industrial hygienist profile to get a higher level of clarification on the level of exposure that employee encountered from those exposures or those toxins. So it is basically a resource that claimants and our claim staff use to try to identify and prioritize those toxic substances that we are evaluating as part of our claim process.

David will explain the details of how that works, but you do need to do know there's two variants, and I think David is going to cover this, but the important thing to know is that the version that I sent in the chat is the public

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version. There's an internal version and I'll let David explain that when he gets to it. But what I would say is that, you know, for the board, one of their mandates is evaluating the usefulness, the effectuality of the Site Exposure Matrices, and we have a lot of information that's available about how this system is constructed. It's maintained by our SEM contractor and the continuing efforts to update this database with new and evolving information. So it is not a static resource. It is something that is continually being updated as additional information and resources become available.

Those are just my really quick comments. David, I'm going to turn it over to you and I'm going to say hey, man. We had 30 minutes. Now we've got like maybe 15 or 20 minutes, so we're just going to have to see what we can do to get through it as quickly as possible. So David, are you on?

MR. REINHART: Yes. I am, sir.

MR. VANCE: All right. I am turning

it over to you and I know that you want to switch over to a presentation and a demo of the Site Exposure Matrices.

CHAIR BOWMAN: Just to say here -- David, this is Aaron Bowman. Given the time actually and the importance of the SEM, it is okay if you go over five or ten minutes. I think we can catch up elsewhere.

MR. REINHART: Okay, great. Thank you very much. Let me first go ahead and see if I can make this work and -- Okay. All right. Can everybody see that?

MR. BIRD: Yes. We see a PowerPoint right now.

MR. REINHART: Wonderful. Thank you. Again, my name is Dave Reinhart. I am a policy analyst with the Policy Division at DOL. I'm also the core for the SEM. John is my supervisor and he will jump in as we go through this. He actually talked about quite a bit of these just first couple of slides, so we'll go through them real quick and spend most of the time on the

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demonstration. Also, a part of the demonstration, I'd also like to talk a little bit about closure profiles and how that works in SEM.

So remind me. I get going and I forget. So if I forget that, remind me.

So John talked a lot about what SEM is already. It is a relational database. And what that means is it's got toxic substances, locations, work processes, and incidents within it, and also health effects. And what a relational database does is when you change something -- when you look up something in SEM, that changes all the rest of those parameters to fit into what you're looking for. So that's all that that means.

There are -- if I'm not mistaken, there's about 15,000 toxic substances in the system right now. We will verify that number when we go into the SEM and I'll show you where that is. John mentioned that there were two versions of it. There's the internal version that we use. It's called the DOL SEM. And then

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there's the public version, which we're going to look at today. The public version is updated every six months. The last time it was updated was May. And it's going to be updated here probably in the next month or so. They're already started the initial process of starting that. So it should be -- should be on schedule for November.

The only real main difference between the two other than some UI is the internal DOL version is updated as new information comes in. So as the contractor does their research and they find information -- documentation that updates the SEM, they do that. We get that on the DOL SEM immediately, so we can use it and have the most updated information. It does have to go through a process where -- a classification process to make sure there isn't any classified information in it with DOE and that's the reason for the delay. There's also a couple of niceties in the DOL site that the public version doesn't have. There's a mailbox that claims examiners,

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claims staff can use to ask questions directly to the Paragon staff to assist in adjudication on the development.

So as John mentioned, DOL isn't required to create the SEM. We just did it because it was obvious that given the uniqueness of the nuclear weapons production system and just the difficulty of claimants and really claims examiners trying to locate historical toxic substances that many of these workers encounter.

It was just -- it was just so difficult to do, so we knew that we needed a mechanism that we could look at to help us build a factual framework for profiling exposures. And also, it just doesn't help the claims examiners or the claimants, it also helps physicians and authorized reps to be able to, you know, forward the claim and provide -- reasonably be able to provide a well rationalized position on a claim.

Finally, we mentioned it earlier in the other slide, SEM is used to identify accepted humanistic health effects. And all that is of

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course is just the relationship between a condition and an exposure to a toxic substance.

So a couple of things. This slide just wants to talk about a couple of things SEM does and what it doesn't do. And there are -- while it's a fantastic, excellent tool and I would not want to work these claims without it, there are some limitations to it and if you know them, you can work around it and still be successful at adjudicating the cases. The one thing you have to remember is the potential toxic exposures. There's no personal information in SEM. You're not going -- if a claimant -- an employee looks up in SEM, they're not going to -- he or she is not going to find his information. Everything that's in there is based on official DOE documentation. Okay? But it's not -- It's job descriptions, things of this nature, industrial hygiene, but nothing personal for individual workers.

There's a bullet here for work

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processes associated with a disease called direct disease links. And for those of you that don't know what that is, that is just a -- it's what we know -- it's work processes that we know are associated with specific diseases. I'll show you what that looks like in SEM. It's very useful for us because we don't need industrial hygiene assessments for those -- for those work processes.

One of the main things that you want to remember though about SEM is it's never going to be complete. There's always updates. There's always new information coming. The Paragon Technical Services, which is our current contractor, they're constantly finding new information and they're constantly updating the SEM with that. They also get information from claims examiners, from the case filing, from claimants who put it in -- into the internet accessible site, which is the public website. So there are -- I think right now, I think we're close to probably five updates -- five site

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profiles updated each month, so they're busy.

Again, there's no specific claimant information. And then this bullet point down here. Communicate temporal exposure information.

That's a really neat sentence. And what that means is that -- I'll give you an example. Some of these -- Some of these facilities are 50 to 60 years old and the processes that they did and the test substances that they used have changed over time. So back in the '50s, they may have used a solvent say for example that by the '90s they didn't use anymore. Well, SEM isn't going -- SEM will just show you that, that was there at the site. It doesn't tell you if they stopped using it in 1990. That's where we have -- That's where we bring in our other specialists -- our industrial hygiene and that's where that last bullet point comes in. SEM also cannot characterize extent or frequency of exposure to any given material. So that also goes hand in hand with the industrial hygiene analysis.

John, do you want to add anything

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before we move on?

CHAIR BOWMAN: John, you're muted.

MR. REINHART: Okay. So we'll go ahead and I'm going to -- does anybody have any questions before I start with the -- with the demonstration?

MR. VANCE: No, David. I didn't have any other comments.

MR. REINHART: Okay, great. All right. So what we did is we put together an admittedly simple search, but we did it for a number of reasons. There are some twists in it and also if we -- if we had this huge complex example, you would -- you would run away and you wouldn't -- you wouldn't see how it actually works. So we're trying to make -- We're trying to make it clear so that you can see the process and then move that into more difficult situations. And remember, if you have -- We're going to do one site and one work process. Some of these claimants -- some of these workers have been at four or five, six sites. They did four

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or five jobs at each site. And this process would be done for each one of those processes -- each one of those separate instances. So this stuff can really snowball and get drawn out, but this will give you an idea.

So in this particular example, we've got an employee that worked at the Savannah River Site. He described his work as a welder from '72 to '92. He's got COPD. In his occupational history interview, he says he was a -- he performed a variety of welding activities, but he spent most of the time in an unspecified laboratory. When the CE was going through it, they found a February '88 medical report that says he burned himself while welding some parts in the 773 Lab. Okay? So when we think about this, we're going -- we're going -- the filters that we're going to be using basically are Savannah River, COPD, welder, and then the building lab.

So let me move into SEM real quick. Let me -- Let me -- Okay. All right. Everybody

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see that?

MR. BIRD: Yes, we can.

MR. REINHART: Oh, wonderful. Okay. I'm not too bad at this. All right. This is sem.dol.gov. This is where you're going to go to the main page of the internet accessible site or the public site. Just a couple of things on this. Right here in the center in red, you will see the date that it was last updated was May 16th. In the center here is some information about what went on in the latest update. Some information to contact the SEM administrator. And then down here is a little section for claimants who would like to file case-specific information. That doesn't go to the Site Exposure Matrices, that goes to their claims examiner. The other thing I wanted to mention, up in the upper right-hand corner is a user guide. If you ever get stuck, you can just click on that and it will tell you more than you ever wanted to know about how to use the SEM.

In the center block is a place where

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claimants authorized representatives or anybody from the public can put in site-related material.

So if the claimant for example has a DOE-specific job description say that may not be in SEM or they don't think is in SEM, they can click on this and submit that to the system and the SEM administrators will give them a call and let them know if they've got it or of it's something new and it will be added.

You can get into the main SEM down here at the bottom, enter the SEM site or you can do it right here. So let's go ahead and enter the site. This is the main page -- the main search page. This gray section here, kind of where most all the work is done. You can select DOE sites. There are currently 139 of them. Look in uranium mines and mills or by stations and transports. There's hundreds of them. They're broken up by state and county. And one important little tidbit here to help everybody out, anytime you see this little spy glass, it's an alias. And this really saves a lot of time

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and it helps you out if you don't know the -- if you don't know the real name of the site or you just know an alias of that site, you can click this here and find where you're at and find what you need to do.

Down here is the -- this is the universal section -- sorry -- this is the universal section. There are 16,746 current toxic substances currently in the system. This is everything that's in SEM. It doesn't matter -- It's not site-specific. It's everything that's in SEM. So if you just want to know about a health effect, you can click this health effect alias -- I'll do it real quick -- and say I want to look up COPD, that will give you every toxin that's in SEM associated that we know scientifically is associated with COPD. If there's -- you don't need any additional scientific data, any studies, if we've got this in SEM, that's good to go.

So let's go ahead -- Let's go ahead and take a look at our case study here. So our

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welder says he worked at Savannah River. Let's go ahead -- the first thing we're going to do is go to the site. I can see the universal went down to 2,090 toxic substances because now we're just dealing with Savannah River.

Now I do want to just mention one thing before we get started and it's not really SEM related, but it's really important. When I look at this case, I see a welder with COPD and immediately think that perhaps I might have a causation presumption. And so the first thing I do even before we do SEM is I look at the procedure manual in Exhibit 15-4 and I always have that with me when I do cases because in this particular case, this worker could have had a causation presumption for asbestos exposure. Okay? Now we're going to say for this instance that he didn't qualify, but that's just something I wanted to let everybody know because sometimes it's overlooked and it's really important.

So we have a fellow, he says he worked at Savannah River as a welder. Now that's a --

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that is a construction trade job. The important thing to remember about construction trades is you've got to know if it's -- if he worked for the main contractor or if he worked for a subcontractor. It makes a difference. If they worked for a subcontractor, you do not want to be in the site profile. You want to be in construction all sites. And the way that you find if they are main contractors, you can go to the site history here on the right. And this will bring up all of the contractors -- the main contractors that were in charge of the site and what years they were in charge. Our fellow worked from '72 to '92 and he worked for -- we know he worked for DuPont and Westinghouse, so we know he's the main contractor. So we know we're in the right -- we know we're in the right site profile.

So I usually start, because I know the labor category -- the two main searches that you want to do are labor category and work process. Those are the -- Those are the two that you're --

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that are going to give you the most bang for the buck. And I always start -- you're going to do them all, but I always start -- if I have a labor category, I always start there so let's do that.

Hit labor category and you go down, welder. All right. So this is every toxin that's associated with a welder, but that's -- we want to narrow that down so we know he had pulmonary COPD, so we hit health effect, COPD. So we've got asbestos and welding fumes. Those make sense so we're tracking still.

Now this little part in the red, these are -- these are what I was referring to as the direct disease links, so you're going to want to pay attention to these because if our welder mentioned in the OHQ or we found in the records that he -- that he welded aluminum or stainless steel or mild steel, we're going to want to add these potential exposures to the -- to his list -- to our list of what we think could be -- could be appropriate.

So now let's go back and let's --

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let's go back and do the work process now and this time I'm going to use the alias because it's easier. And what I do when I do -- when I do aliases, I don't put in the entire name. I don't put in welder. I just put in a small fraction of it. That way I can see everything that's in SEM and you can pick up a lot of things that way if you -- if you don't go straight for welding. So in this case, we know we want to go to welding, so I hit welding. Again, I've got a whole host of toxins. I'm going to hit the health effect again because that's going to narrow it down to the ones I want.

Okay, so now this time -- Now we've got -- we've got our asbestos and welding fumes, that tracks. But we also have cadmium oxide, so now that's something I've got to think about here. What's going on? You can go down here and you can look at labor categories and you see that there's multiple labor categories down here. So it's possible that that's related to something else. So you can go and hit labor category and

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find out for sure and it was. So we're back down to welding fumes. And now when I look at this, I can tell because this was -- I went through -- and if I had time, I would show you, but I would go and I would look at this -- at each of these other labor categories and see what was going on and sure enough, a mechanic welder is an alias for that, so it was -- it was the maintenance mechanic that was bringing up that toxin.

So we've got a decent amount of toxins, but we're not done yet because in the OHQ, he said he spent a lot of time in the laboratory and he said -- and we found that document that says he was burned in a lab. So let's go back and let's go into -- let's go into building information on this and I'm going to use the -- I'm going to use the alias again, I put in 773 and that will bring us up -- we looked down through here, 773-A, the Savannah River Laboratory, so we can hit that. And keep in mind, you're going to do -- if you see something in the documentation or if you know something

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happened, an incident or something like that, you're going to be -- you're going to be looking at all those things. This is just -- this is just for demonstration.

So we've got Savannah River -- we got the laboratory. Let's hit a health effect again and see if we can narrow this down a little bit.

Okay, got quite a bit in there, but that's too broad of a search -- a building search generally is just too broad. It's not going to be helpful for us. So let's go back and put in the welder again and see what happens. So we're back -- we're back to the same ones we had before -- the four or five that we had before. Now does that mean that we wouldn't -- that we wouldn't -- that there wouldn't be any circumstance where we wouldn't give this employee any of these exposures? Of course not. Because if there was -- if there was something in the case, you know, an ammonia release or the claimant had an affidavit that said you know what, we were in the -- there for a week and they were busting up the

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concrete floor the whole time we were there. So that's going to add to the -- that's going to add to the potential exposures.

So that is a simple -- that is a simple example of what we would do if you have multiple conditions, if you have multiple sites, multiple job categories, you're going to do that same thing over and over and compile all of those together and then come up with your exposure analysis. Does anybody have any questions before I go to the closure profile?

Okay. All right. So closure profiles, I just wanted to mention this real quick because this comes up every now and again and it can cause a little bit. And there's about -- I think there's a half dozen or so sites that have closure profiles and I know one does here, so we'll go -- I'll do K-25 because I know that's got it. Okay. So we're in the -- this is called -- when you first go in, you see the -- you see the site in this gray box, the search area. This is the operating profile and you can see it's got

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1,371 toxic substances in it. When you look over here to the right, you will see a hyperlink that says for plant decontamination and decommissioning activities for timeframe '88 and beyond. That is the -- that is the site closure profile. And you'll see this in about -- like I said in about a half dozen sites.

We had a fellow that was a health physicist tech. He was at three sites. Two of them, he was exposed to benzoperylene and the K-25, they couldn't figure out. He says he was exposed to it, but we couldn't figure it out. And if you go to the labor category information to technician in health physics, he says he was -- he says he was a -- he says he worked there on the remediation. So we look here and it's not there. So you say huh, that's odd. So maybe -- maybe it was because it was -- maybe it's under remediation. Not there either. So what's going on?

If we go back and hit this decontamination, you'll now notice that the site

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is gone and you only have 346 toxic substances listed there. And you'll also notice that this has changed and now it says if you want to see the operating site, click this. So let's again look at the labor category. And this time you'll notice it's a lot smaller of how many labor categories there are. And this time when we go into health physicist, it's there. So that was the reason, but that stumped the examiner that was -- that was looking at this case and he couldn't figure it out, but that's why it's -- you know, if an examiner -- if this can happen to an examiner, it can happen to anybody.

And I think that does it for me unless anybody has any questions. How did I do on time?

CHAIR BOWMAN: You did good on time. Thank you, David. Any questions from the board at all here?

MEMBER GORDON: Yeah, I have one question. So we all can see that there is limitations. It's only how you can document and/or verify it. But how does the affidavit

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process that I've had a few people go through, you know, as a claimant of saying hey, I know it's not on the list, but I know I was in there and I know these chemicals -- SEM was there, but you're just not showing me that I worked in that building because I don't fit in a certain job category, but I was there for, you know, X amount of time. So some people have gotten affidavits I've heard and that kind of -- people from the past say yes, we were in there. Is that a true comment? And how often do you have to use those and how do they go into the determination process?

MR. REINHART: Thank you. Affidavits are very important. They are -- you know, it's got to be -- everything's got to be corroborated and an affidavit will not go into SEM. That's the first thing I just want to make clear. Affidavits are useful in the adjudication process and the claims examiners will use it. Industrial hygienists will use them as appropriate, but we can't put it into SEM because let's remember SEM

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is populated by official DOE documentation. So that's the reason they don't see it in SEM, but it doesn't mean it's not useful to the case.

CHAIR BOWMAN: Thank you. If there's no other questions, I will thank David again and we will move on to the board discussion part of our agenda. For all board members that can, turn on your cameras so that when you speak, we can see each other. That can be helpful.

Kevin, I think you have my slides here. If you could start on slide number four. All right, so this is basically a workout of the rest of today's meeting. We're going to discuss very briefly past working groups and group assignments just so that new members of the board can understand how we had been breaking up working groups. And for those returning members of the board, so you can recall what you had been assigned to, which does not mean it's not open for change, but just as a reminder.

We're going to then briefly go through the recommendations. There was actually slightly

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fewer than ten recommendations, but some of them had multiple parts, so the Department was actually I think wise in breaking them down into individual components so we can discuss them. The purpose of today is not to fully review and have full discussion of all elements of the recommendations and the response from the Department. Rather, it is to recognize future steps that the board wants to work on between now and our next meeting in January or February. But key items that people want to bring up that we think are important as a board to inform the work of the working groups I think is important and would be worthwhile to bring up. So please do speak about your thoughts and perspectives on these as we go through as you believe they are important for that. But we're not trying to resolve that today, we're just trying to review these because we have just gotten these and we haven't yet had a chance to discuss them as a board.

Following that, we had a number of

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information requests that went in. We're going to review the information that was able to come in and then think about who, if anyone, needs to work on that, how to work on that. Does it go to a working group? Is it information that will instead just go straight to our next meeting for the full board? So that will be sort of the purpose of going through that information request.

Then we have 24 new cases. We're going to get into that. John, maybe -- John, will it be you that steps us through just how to open and read and use those files?

MR. VANCE: Yes, I can do that.

CHAIR BOWMAN: Yeah. And then Carrie might again, I think with some help from John describe the new process we have for file distribution to get everyone up to speed on that and how to do it. I think there will be some individual working with members of the board to get that activated. You have an account. You create an account. Do a password. I went

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through it. It did not take me much time at all to get it set up.

And then most importantly, we need to think about how we're going to go about as a board reviewing these claims and why we're reviewing those claims. We'll get into all those details when we come to that and how we're going to have those informed discussions about overall -- the overall workings of the board and our responsibility in providing an oversight to policy issues and recommendations for any solutions that are, you know, broad based solutions in our recommendations. Often times, case reviews lead to these broad recommendations from our advisory board, as well as the activity of the working groups lead to recommendations and their review of the information.

Okay, so let's jump right into the next slide. Okay, so effectively at the end of the last board, we had in essence operationally, three major working groups. There was the SEM working group. Those continuing on the board

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that were part of that group are Gail, Kirk, and Jim. There was an IH/CMC working group, which composed of myself, Mark, and Marek. And then there was an exposure -- what I'm calling Exposure Health Sciences-related working group. It was not necessarily called that at the time, but there was focuses on Parkinsonism, sensorineural hearing loss. And Marek and Kevin and myself are continuing members of the board that were associated one way or the other with one of those two elements.

I'm using this nomenclature here as I believe basically all of this is about linking exposures to the health effects and recommendations that we might want to consider then as a whole board within those context, one of our major elements. I then put everyone's name here on the left just to show who we all currently have on the board. And I'd like just everyone to start thinking about your interests in particular working groups so at the end, we can sort of break us down into those effective

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working groups and how to just do that.

All right, so that was just that overview. If there's no questions yet, I think we're going to jump into the review of the 2020 - - May 2024 recommendations that the board put in at the end of its last cycle. Great, thank you.

So these are the ones that we're going to be reviewing. What I've done here is I've made a slide for each individual recommendation with some comments for us to go through.

So if you could advance to the next slide. All right. So recommendation 1, I'm going to read it just so we're all on the same page. Directly relating to the April 5th, 2024 Department of Labor response to the board, we recommend that the program facilitate a conversation between a subset of the next board and the DE/OIC industrial hygienists 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

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subsequent meeting that includes at least two contract IH's.

The Department's response was one of agreement and would like to help the board to facilitate this interaction and asks us to identify specific questions or topics to be a part of that conversation. So here now, I want to open it up for discussion and conversation as a board, what are our next steps? The obvious ones embeddedness is to develop these queries for conversations. Do we want to have a meeting like this before our next in-person meeting with the subset of the board or after? These, I think are the questions before us relevant to this recommendation.

So with that, I will open it up for discussion. Perhaps as people are trying to decide if they should be the first to speak, maybe someone who was a part of that -- those past meetings could say something about it.

MEMBER CATLIN: Yeah. Aaron, I can jump in if that's okay.

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CHAIR BOWMAN: Yeah.

MEMBER CATLIN: So I think this was something that a number of us in the previous board thought would be very helpful to understand how the industrial hygienists doing the industrial hygiene review look at both the SEM, the occupational health questionnaire, and other information and how that gets translated into an exposure assessment. So I think we can -- we can easily come up with a list of some specific topics, I think that we'd like to have this discussion on and it would be very helpful to the board.

CHAIR BOWMAN: Yes. Are we thinking about this as -- the recommendation is about a subset of the board, so this would be a small group of us, not the entire board meeting with the IH's. What sort of timeframe for such a meeting do members of the board -- would we like to see?

MEMBER CATLIN: I think it would be helpful, Dr. Bowman if it was possible to do this

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before our next live meeting in early 2025, late January or February if that's possible.

CHAIR BOWMAN: I think it could be informative. Dr. Catlin, thank you for that suggestion. Other thoughts?

MEMBER KEY: Dr. Bowman, can other members of the board that are not particularly a subset of this group submit their concerns and questions to you to share with that subset?

CHAIR BOWMAN: I believe that is permissible. Someone from the Department could advise otherwise, but I think that would be --

MS. RHOADS: That's fine. You all can submit questions to each other and to your working groups. The only limitation on that is that whatever the working group wants has to come back to the full board for a discussion at the end when you've formulated your work products or your ideas.

CHAIR BOWMAN: Thank you, Carrie.

MS. RHOADS: Mm-hmm.

MEMBER DOMINA: Hey, Aaron. This is

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Kirk.

CHAIR BOWMAN: Hey, Kirk.

MEMBER DOMINA: I think that, you know, I'd like to be part of this IH/CMC thing because I think that you have to have a worker involved in this process because otherwise it comes back to me like doing these meetings on the computer. You lose a lot in the translation and I think me and Mr. Key if he wants should be involved with this because we're the only two labor type guys that went through this process and know what it's like to live through the process. We're both still alive so far. But anyway, I think I would like to be included in this because I think we can bring some insight to like help connect some of the dots.

CHAIR BOWMAN: Absolutely. Kirk, I want to -- I resoundingly agree with you on that.

And in fact, I think one of the greatest supplements of this advisory board is that we have representation across scientific, medical, and claimant communities. And the perspectives

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that we bring are valuable to each and every element of everything that we do. So I think it would be fantastic if all of our working groups, and maybe it's not possible in every case, would have at least one member from each of our communities.

MEMBER DOMINA: Yeah because, you know, when you go back in time and even till today when stuff goes wrong because it will go wrong, you have to react. I mean, you know, back during the Cold War stuff and whether it was security or the health and safety of the workers or the community and then the environment, I mean, you did what you had to do when it's in the middle of the night. You don't call in town and say hey, we got permission to do this. You get it done.

CHAIR BOWMAN: All right. So Kirk, I've got you -- I'm making some notes here as we go through this on individuals that are semi-- at this point semi, we'll formally volunteer at the end, but have indicated a potential to volunteer

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for the IH/CMC-related working group. I've got you written down for that now. Any other comments?

MEMBER DOMINA: Aaron, this is Marek and is the purpose of that meeting also looking at any potential updates in SEM or just going over the IH processes? And I'm talking about the meeting of the subgroup before the main board meeting. Is this something that we are looking from the -- in the context of actually meeting with the SEM contractor as well?

CHAIR BOWMAN: Marek, my recollection of some of the elements of this recommendation related one, to conversations we had as a board and conversations we had in these meetings and with the Department and in regards to the SEM contractors. Also in regards to the claim adjudication process of wanting to enhance and improve as best we could in terms of our recommendations the communication between the industrial hygienist side and the physician side.

This was one of those elements. And that's why

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in fact -- I think that's why we -- why we have the IH/CMC together as a working group and it's that relationship. So I think it's those relationship ideas.

And as you probably recall, we had made some recommendations relevant to frameworks and ways that the IH's can improve their process, I think part of this is to one, ask about how those are going? What problems the IH's see and thinking about it from a broad context and thinking about recommendations. Absolutely, because so much is connected. I could foresee recommendations related to SEM also coming out of those conversations. And I don't think we need -- we want to limit ourselves to the opportunities that we see for improvement.

Okay. What I'm hearing -- I'm going to do a brief summary. What I'm hearing is that there is a desire for the board to try to see if we can set up one of these meetings, which will pre-require a set of questions and topics for the board. And what I'm also hearing as well is that

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this seems to be a topic of relevance to the CMC/IH working group. However, if there was a couple -- handful of members who were not part of that overall working group, but wanted to just be a part of that meeting, I believe we could arrange for one or two others to also be a part of this conversation. Have this request and the specific questions be led by CMC/IH working group. That's a summary of what I've heard. Does that summary match all of your expectations for the summary?

MEMBER CATLIN: Yes, for me.

MEMBER SPLETT: This is Gail. That's a yes. And I would like to expand on what Kirk said. I would be willing to participate as well, but I do think Kirk or Jim would be better because they have much more detail in the field experience.

CHAIR BOWMAN: Excellent. Thank you, Gail.

MEMBER KEY: Dr. Bowman, I will volunteer to participate on this group because I

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have several unanswered questions as a result of contract IH reviewers looking at a site that never had documentation and never had evidence to support their position that the claimant did not have an exposure.

CHAIR BOWMAN: Yeah.

MEMBER KEY: So yes.

CHAIR BOWMAN: Okay. Yeah. And in that sense, you know, the CMC/IH working group will be actually handling multiple sorts of topics. And so there can be involvement in this particular meeting between the IH's and the subset of the board, as well as just general involvement in all elements that, that working group is handling. So thank you, Jim, for that.

All right, I think I'm going to move on to the next slide so I can keep us as relatively on track as possible. All right. Recommendation two is the board requesting DOL to ensure that all work processes associated with chemical exposures that have presumptions in Parkinsonism in the procedure manual also have

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associated linkages to Parkinsonism in the SEM. So in essence, a summary of the response, what I've done here, where you see the -- is me calling text from a longer response. The full board -- in fact, these are actually all public. The full responses are there.

For sake of our conversation, I only put -- I only threw a subset onto each of these slides. But I would summarize the response in essence being that there are not causation presumptions that exist in these area of Parkinsonism and so therefore is not able to do that. Which to me means that a potential area of work -- and I would say this is for the environmental health scientists working group is to look and investigate whether or not Parkinsonism presumptions might be able to be developed and recommended by the board. That's my summary of this, but I wanted to open this for discussion for all those who have contributed and are a part of this.

MEMBER MIKULSKI: And I agree with

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that and of course, we've discussed on an extended basis, but with the Department under the previous recommendations, this is something definitely that warrants further looking into the literature. There have been some new studies that we've been able to identify when working on this recommendation and we could dwell into it, look into it more within the structure that science support group that you've just discussed.

CHAIR BOWMAN: Great. Marek, thank you. Yes and indeed, there were several new literature that we had come across. Any other comments?

MEMBER KHATLANI: So just so I get this right, other than carbon monoxide, there hasn't been no other substance or toxin in particular has been having to fight as causative for Parkinson's or Parkinsonism?

CHAIR BOWMAN: I think maybe more precisely worded is no others are in there as a presumption. There are certainly multiple exposures that are linked to Parkinsonism and

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Parkinson's disease.

MEMBER KHATLANI: Right, but for presumptive. Got it.

MEMBER MIKULSKI: Okay. Aaron, I know that this point considered presumptive standard under the Department's criteria.

MEMBER KHATLANI: Got it. So a part or subsection of the board would be looking at the pressure, but you mentioned that part of the board has already looked it up in the past?

CHAIR BOWMAN: Yes, this past working group that was looking at Parkinsonism had done some work in that area. And it was that working group that brought the overall discussion to the last full board meeting, which then led -- that discussion then led to this recommendation.

MEMBER KHATLANI: Got it.

CHAIR BOWMAN: Marek, do you have anything to add to that?

MEMBER MIKULSKI: And I believe this is part of the next recommendation. As you said, this is a multi-part recommendation where we also

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looked at the information in HazMap. There seems to be some discrepancy or disagreement between what we found and what the Department considers as linked to Parkinsonism, that would be also be subjective. Looking at it again and maybe having a more in-depth discussion with, you know, working on it together with the contractor to assess this information further.

MR. VANCE: And Dr. Bowman, can I add a quick comment?

CHAIR BOWMAN: Yes. Please do, John. Go ahead.

MR. VANCE: So I just want to make it clear so that the board can understand, you know, because I think the last question was a good one.

You know, there's been two components to what the board has been doing. You know? And Dr. Mikulsi, you've been involved. The board made recommendations to add health effect data that would acknowledged in Site Exposure Matrices that a physician could utilize in making a claimant-specific causal opinion. There's also the

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question of presumptive standards that bypasses the need for that. So there's actually sort of two working processes here. Are you looking at adding clarification or standing on the presumptive standard? Or are you talking about looking at adding information to the Site Exposure Matrices about recognized accepted humanistic health effects? So it's a little bit of a difference there, so I just wanted to make that clarification.

CHAIR BOWMAN: John, thank you. And absolutely, there's two routes. And I think one of the elements that a working group might want to consider is which approach or both or none are warranted with the current level of data available?

Okay, if there's no more comments on this one, I'm going to give a summary. I believe this recommendation is of relevance to what I have now been calling the Environmental and Health Sciences working group focused on Parkinsonism to look at whether or not existing

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scientific evidence would warrant changes in either presumptions and/or in clarification about links between exposures, processes, and diseases within the context of the SEM. So that is my summary of where we're at with this recommendation. Any additions or edits to that summary?

Hearing none, I will ask Kevin to go slide -- go to next slide. I combined two here.

This was a part of the original larger recommendation that Marek referred to. This component of it is that the board requests that the Department to add work processes to the SEM and procedure manual that are currently found in the HazMap that link to Parkinsonism to exposures that are already on the current presumption list for Parkinsonism and those being manganese and carbon monoxide. The Department's responses noted that the HazMap did not contain information about association between target substances and Parkinsonism, but may be relevant to SEM, I think health links. And I think actually would fall

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just for clarity -- to me, this falls under the same as the prior recommendation as something that should be looked at and considered by the EHS working group, but I want to open this open for discussion.

Not hearing any, I think I can move on if that's okay. Okay. Recommendation four, in addition, the board also recommends that all associated aliases for Parkinsonism be updated in the SEM and procedure manual to include primary Parkinsonism. The Department agreed with this recommendation and is, I believe in process for adding these. I guess at some point, we would want to ask the Department to alert us when those are complete.

MR. VANCE: Dr. Bowman, I'm alerting you that it's been completed. It's actually available now.

CHAIR BOWMAN: Great, thank you.

MEMBER MIKULSKI: John, does this apply only to SEM or also to procedure manual? In other words, is this update being carried

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forward to procedure manual or --

MR. VANCE: This would just -- What this did was added an alias to the Site Exposure Matrices for Parkinsonism. And we just now currently list it as primary Parkinsonism. I'm looking at it right now. I don't think this would be something that would be impacted in our procedure because where that would show up would be in the presumption. And I don't think our presumption makes reference to the aliases. It just says, Parkinsonism and related and accepted aliases. So I can go back and double check that, Dr. Mikulski.

MEMBER MIKULSKI: Thank you.

CHAIR BOWMAN: Okay. To summarize the discussion, I believe this is a completed item and we thank the Department for their rapid response to this.

Let's move on to the next slide. This will be recommendation number five. This is the final part of that overall recommendation that was relevant to Parkinsonism that is I think

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falling under the working group relating to the links between environment and health and the science between them. I'm recommending that the working group continue to review the literature and evaluate Parkinsonism and solvents and other chemicals that are present at DOE sites to warrant consideration for new exposure presumptions. This is in an essence a continuation of the conversation we had with prior recommendations two and three. The Department just expressed their interest in continuing to work with the board within this area. I will open this up for discussion if needed, but I think this is pretty clear.

MEMBER KHATLANI: Dr. Bowman?

CHAIR BOWMAN: Yes.

MEMBER KHATLANI: I would like to be -
- I know this is for the end, but would like to be involved in this group. The recommendation, three and five -- pertaining to recommendations three and five.

CHAIR BOWMAN: Great, thank you.

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MEMBER KHATLANI: You're welcome.

MEMBER LOEBL: Can anybody hear me?

CHAIR BOWMAN: Yes, we can hear you.

MEMBER LOEBL: Fine. This is Andy Loebel. I heard the previous person state that what we wanted to do in a recommendation was link health effects to presumptions. Both those words were used in the same sentence. I think there's a fundamental problem in these recommendations because we seem to be -- and I'm new and I'm inexperienced -- but we seem to be comfortable using qualified information to make quantifiable decisions related to health effects and I think that's a big mistake if you understand what I'm saying.

CHAIR BOWMAN: Yes. Thank you, Dr. Loebel. And just to clarify, I think what we need to do and the obligation of the board, especially in the context of this is to be sure everything in the recommendation is underscored by the science that justifies those links. This sounds like an area that you have an interest in, so

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potentially this working group might be one that you would care to join.

MEMBER LOEBL: Well, I don't mind joining any working group I can contribute to. But my fundamental concern is things like the recording of health effects in SEM, the site-related materials not being fully understood or documented. Having worked at one site and visited all DOE nuclear sites, I'm impressed with how little information the managing contractor retains regarding health effects, regarding exposures, and regarding hazardous materials related any individual's personnel records. And I am concerned about that the blatant acceptance of the SEM as a way to rationalize some relationship between quality information and quantifiable decisions. And I think I've been hearing that throughout the day, except for the morning session, which focused on the bureaucracy of procedures. That's my initial impression.

CHAIR BOWMAN: Yes. So certainly the level of scientific evidence that would be noted

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for an exposure presumption, right, which is basically -- allows a bypassing of some IH/CMC relevant reviews when an exposure is clear with a presumption of a link. And then the SEM links or just that an exposure to X is related to health effect Y in general based upon the scientific literature, but not a direct link to exposure to X at site whatever is related to this. I think that gets at what you mean by the qualitative data versus the quantitative data.

MEMBER LOEBL: Well, what I would like to see us work to issue some year in the future is specific guidelines to physicians who support an appeal that regard -- give data to physicians to use to determine whether or not an exposure to this, that, or the other thing has a commonly determined relationship to health effects at certain levels. So if I'm exposed to the hexafluoride containers at K-25 for 15 years, is there any relationship between the hexafluoride containers that weigh 25 tons at least a piece and exposure? And what is that exposure? If I'm

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a physician, I would like to know whether or not there's any data that says exposure to that much material for that period of time results in health effects significant to some analysis of the population.

CHAIR BOWMAN: Yes. Dr. Loebel, indeed this has been an issue that has -- that the board -- at my time on the board has been working and struggling with. Right now, you know, the IH reviewers will do that exposure assessment and will provide a report that goes to the physicians or to the contract medical consultants to inform them. We then rely on their -- on the medical expertise of those physicians to make a determination based upon what they get from the IH as to the extent, duration, magnitude of those exposures. Some, as you point out, might go to the SEM to see is there known established links between a particular exposure and a particular disease? Those are not very quantitative. And we've been talking about what does it mean in the past -- the board has talked about what is a

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significant exposure? What makes it significant?

And this has been an important conversation that the board's been having and trying to work with the Department as to how to get to a situation where we get the right answer more often than not.

MEMBER LOEBL: Well, I'm a little troubled by my past experience with this kind of work and what I'm hearing at this meeting because I believe it is possible to draw epidemiologically based conclusions on health effects and causes based on the materials that are at the plants and used by the plants, whether or not DOE contract managers preserve the information on location of hazardous materials and where the employees work.

CHAIR BOWMAN: Yes. That pickle you just described is exactly one of the challenges that we're facing. And your description of this issue with translating with basically imperfect data how to draw nonetheless, a binary conclusion on every case that the Department adjudicates.

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You know, it's either accepted or not accepted based on a complete set of, you know, incomplete data, inaccurate data, epidemiological data that maybe works with the population, how do you bring that down to the individual and risk -- this is the challenge based here.

MR. VANCE: Yeah. And let me add just for the new board members, and we're trying to do that based on the submission of between 150 to 300 claims a week. So you also have to factor in the administrative burden of reality that we've got to make decisions in this cases. So you also have to talk about the effectiveness and the efficiency of doing this work and trying to come to as reliable an outcome as you can in a very high production claims environment. So that's another aspect of this that I think, Dr. Bowman and the board has struggled with as well is that you cannot turn every single one of these claims into a full-board epidemiological research project, which you could, I think if you wanted to, but we're simply not in a position to do

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that. Congress stipulated that we have to make decisions in these cases and we have standards by which we have to quickly adjudicate these files and make decisions for our claimant population that in many cases is very elderly. So a very challenging problem that we've dealt with a long time.

MEMBER LOEBL: I understand exactly what you're saying and it is a terrible job and Congress has decided we need to make a decision anyway. However, there needs to be an emphasis on quantitatively determining risk and exposure by chemical or radioactive material and environmental factors. There has to be an ongoing effort to quantify those relationships as best as possible and use that to help make decisions.

I'm just -- I started working in this field in 1979 on health exposure -- health effects and exposure to hazardous and radioactive materials. And since 19 -- what, '87, I said, it's been presumptions and qualifications of

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information. And it's just not going to end if we don't emphasize it. That's my concern. And I know I'm speaking out of turn being brand new, so I've said what I needed to say.

CHAIR BOWMAN: Thank you, Dr. Loebel. All right. So for sake of time, we're going to move on to the next slide here. Slide 6, this is a two-part -- for everyone who has of course the response to the board, this is the board recommending to the department to 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. So in the response, the Department has agreed to provide the board with four files from Paragon Technical Services.

Kevin, if you'd quickly jump to the next slide. Those four files were described as - - listed here in these four bullets. In conversation that I learned this morning, those files are ready and will be distributed to the board very soon. Maybe today, maybe tomorrow,

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maybe they've already come into our inboxes, I'm not sure. But they are ready to go, so they will be coming to us.

So if you'd go back one slide. This to me clearly falls under the SEM working group in terms of, I think -- the most important thing I think here is would propose that we need to review those documents and then have a discussion. So I'm going to open this up for any comments, thoughts, or perspective from members of the board.

MEMBER SPLETT: This is Gail. I appreciate the response. I'd like to -- just like you said, we'll have to look at those to kind of change (audio interference). he recommendation was to check with DOE Headquarters. Judy was in that meeting and we asked if she could find out whether the issue would be looking at the classification review quickly, like every two months, instead of every six months because some of the members of our subcommittee had real concerns with that six

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month. And that maybe we need to discuss that at the January or February meeting, but I did want to bring that up.

CHAIR BOWMAN: Yeah.

MEMBER SPLETT: As soon as those came back, I'm sure our subcommittee will be reviewing those.

CHAIR BOWMAN: Thank you, Gail. I agree. Is in terms of next steps on this one to have those files reviewed first in-depth by the working group and then brought to the attention of the full board in the meeting? Does that seem like a good step forward?

MEMBER SPLETT: For me, it certainly does and I think those of us on the working group and Kirk and Jim, I guess I'm talking about you, we can all do that. We can get together and then provide some analysis at the next full meeting.

MEMBER DOMINA: Yes. I agree.

CHAIR BOWMAN: Excellent. Thank you. Let's move on to -- Oh, sorry. I don't want to rush through this. Any other comments on

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recommendation six?

Okay, not hearing any, let's move on to recommendation seven. Here the board recommends the Department direct the contractor, currently Paragon to prospectively and retrospectively provide notations of any changes to toxic substances, labor categories, facilities, work processes that are or were altered in the SEM with documentation for the rationale of the SEM. The Department did not agree with the recommendation and I think did raise an important element in their response that the we as a board should consider just in terms of the sheer volume of data being talked about. They give some examples of this sheer volume of data.

In some sense, I'm not sure we are capable as a board of reviewing such large quantities of data ourselves even if the Department could miraculously provide all of it.

But there is an intent here. There is a reason why our board recommended this. And so I think

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we should consider and continue thinking about that intent and ways forward here. So I want to open this up for discussion and conversation.

MEMBER KEY: Yeah, I agree. We can come up with additional suggestions too, the Department of Labor because what we have seen and what we are seeing and what drove this was the fact that information was being removed without any acknowledgement to the claimant community period. And so when our claimant went in and used the SEM or a CE or whoever on adjudication of a claim, there was no information. Well, it's been removed. Well, why did you remove it? It was there purposely. It impacted a certain set of workers at some point in time and it -- although the SEM is said to be not the only used adjudication process, show us other means then where this information has been removed. It's not relevant apparently to the claimant, nor the CE, nor anyone reviewing this case. Show us whatever evidence or avenues you are using in order to support the claim. Remember as likely

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as not, very important phrases put into legislation that started this program, the burden of proof should not be on the claimant.

CHAIR BOWMAN: Thank you, Jim. Gail, go ahead.

MEMBER LOEBL: This is Andy. I think this problem is generalizable with regards to the contractor. There are some standards in the government that have been written in our force with regard to developing certain documentation for software like SEM. One of those requirements is a report that states the requirements of the software and the interrelationship between what the software manipulates and what the data shows has available is called a requirements document.

And what I would like to do is I would like to see what that requirements document is and when it was written relative to when SEM was starting to be used.

CHAIR BOWMAN: Okay.

MEMBER LOEBL: I would be surprised from personal experience that such a requirement

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-- software requirements documents exists.

MS. POND: I can assure you that we have those documentations. This is Rachel. I'm sorry. I can assure you that we have the documentations or requirements documents that are required for the government to have this database, so I'm sure we can provide you with whatever you're asking for.

MEMBER LOEBL: So if the requirements document exists, how can the contractor unilaterally monkey with the data?

MS. POND: It's not really that they're monkeying with the data. The requirements documents lay out how they're going to review the information that goes into the SEM.

And then once they have that information, they follow the requirements for how to enter it into SEM, how to justify putting it into SEM, et cetera. So what they're doing is actually just adding more information to the SEM as they have research that provides the backup for what they're doing.

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CHAIR BOWMAN: Rachel, can I ask a point of clarity? You mentioned those requirements documents, is that something that the board would need to submit an information request for or are those something that can just be provided?

MS. POND: I mean, John, we can provide the requirements documents for the SEM database backup. Correct?

MR. VANCE: Yes, I would have to talk to David and make sure we have exactly what I think we're talking about here because there's lots of protocols that are involved with maintaining the Site Exposure Matrices because there are, you know, internet protocols that we need to ensure that we operate securely based on the standards for government website. This is also a very large database of very important information. There's backup protocols of how we make this data available. But I think what I'm hearing is more about, you know, we utilize the Site Exposure Matrices as an informational pool.

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So we have the structure and the framework for the Site Exposure Matrices, but Paragon's responsible for collecting the information, interpreting that data, and then communicating that information in a manner that can be generalized by our claims examiners in assisting with the adjudication of the case. I mean, there will always be interpretative disputes about like what does this document mean or what does this stipulate? And that's something for the board to certainly consider. But understand, there's the framework about the requirements, about how the system is built and operated. But then there is separate protocols that are followed for how data is utilized and disseminated in the SEM Exposure Matrices.

So I just want to make sure everybody understands this -- there's lot of requirements that we can talk about in general. But the ultimate functionality here is to provide information that claims examiners and the public can use to try to generalize what are the

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potential exposures that can be assigned to an individual given the fact that the board knows we don't have any reliable individual level employee data, so we're always going to be looking to the SEM as sort of a tool to help us develop those kinds of toxic substance profiles about the likely exposures that employees could have had.

MS. POND: We can provide you with the requirements. You might want to just put together a paragraph explaining that. It doesn't have to be the recommendation, Dr. Bowman, just something that we can reference back to.

CHAIR BOWMAN: Okay, like an information request?

MS. POND: Yes, thank you.

MEMBER SPLETT: Aaron, this is Gail.

CHAIR BOWMAN: Yes, Gail.

MEMBER SPLETT: One of the things that draw this recommendation was example from K-25 for the laborer that they segregated the groundskeeper and the number of toxins and then went down when they changed it. But if they

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didn't make some notation in that labor category that groundskeepers now -- groundskeepers was an alias, but it was segregated to make its own -- its own work category. And if that had just been mentioned, a very short note -- We're not talking about adding every new item because that's -- I would just consider that a positive, but when the numbers go down, it's very confusing to the claimants, like all the sudden they're taking data out. They didn't take it out. They just segregated it to a different category. If they could have just footnoted that and that's what we were talking about. We're not talking about looking at 30,000 documents and having them explain it. It's when they segregate things out or they move it or they've got a building number and name, but nothing underneath it. If they just mark -- they explain that to us when we met with them and said we didn't get anything from DOE on this. All this is, is a place keeper. Well, that's a totally different explanation when you're in SEM and just seeing it blank.

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CHAIR BOWMAN: Yes, I agree. Actually on that, if you'd go back two slides maybe because these were all part of the SEM letter. Yeah, that's right. That one there. I will note -- and I think we want to continue working with the Department on this, so --

(Simultaneous speaking.)

CHAIR BOWMAN: -- the bolded here in the second paragraph -- I just bolded it -- it didn't come bolded from the Department, I bolded it myself. The intent of the Department to provide the board with an inventory of SEM deletions, along with the above mentioned reports for each public update. I think that is going in the right direction from what the board had been asking. Also, the exploration by DOL in PTS on how to publicly communicate the changes with revisions. And Gail, that gets at what you're saying --

MEMBER SPLETT: Exactly.

CHAIR BOWMAN: -- if it's there, it's right. But part of this is also just instilling

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an understanding between the claimant group and the Department so that everyone's on the same page, rather than guessing why something might not be there when they think it's going to be there. Right? And helping the Department -- giving the Department our own recommendation as to how to best improve that communication between the Department and the claimant community.

MEMBER SPLETT: In that particular case, K-25, they didn't delete anything, they just separated it.

CHAIR BOWMAN: Yes.

MEMBER SPLETT: But that wasn't clear all of us who were looking at it, not to mention the claimant and his attorney and they all had those questions. And just a very short notation, groundskeeper A list has been separated as its own new labor category. Look at all it would have taken.

CHAIR BOWMAN: Thank you.

MEMBER LOEBL: And the software requirements documentation provides an

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explanation to anyone who wants to read it, on what those compartmentalizations or categorizations, or whatever you want to call them, are allowed for the models.

That's part of the requirements process.

CHAIR BOWMAN: We will work, I think, via email after this meeting. I presume that to sort of formulate the wording of the information request to get those documents.

MEMBER LOEBL: I'd also like to see a copy of the SEM relational data management map.

CHAIR BOWMAN: That actually takes us, at this point, that takes us down so if you could move ahead to recommendation 8.

We had the very first of these to my knowledge, with the board's last cycle. And the board recommends that we continue in-person meetings with PTS, or whoever the current contractor is for SEM, with board member subcommittees with the SEM subcommittee working group, on a routine basis.

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So, Dr. Loebel, this is in part of that, we are trying to build these intersections between the board, the DOL, and the SEM contractor, to try to elevate cross-understanding between, between all of us as we all work to, for the betterment of, of the program. So --

(Simultaneous speaking.)

MEMBER LOEBL: One of the reasons why I made the suggestion of having a data, the database map, is to communicate between the board and the contractor what constitutes that database, and what the relations are.

CHAIR BOWMAN: Yes. And I think that's something that's would be --

(Simultaneous speaking.)

MEMBER LOEBL: And that could --

CHAIR BOWMAN: -- fantastic. Go ahead.

MEMBER LOEBL: And that tool has to be available somewhere in order for the contractor to build the database.

CHAIR BOWMAN: Yes, agreed.

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MEMBER LOEBL: So.

CHAIR BOWMAN: So do we want to try to have another one of these meetings with the SEM group and PTS, before our next in-person meeting?

MEMBER LOEBL: Well, what I would suggest from my long contracting experience, is write a note to the contractor requesting a copy of the relational database management map, and a copy of the requirements document that was written before the software was written.

CHAIR BOWMAN: Dr. Loebel, just by way of information, my understanding of our lanes here is the board has authority to request information directly from the department.

And the department if needed be, would go to the contractor for the information. And so, that can certainly be a part of it.

I believe though, the department facilitating one-on-one interactions, or at least in-person interactions, between members of our SEM subcommittee and the contractor, is a great way of trying to facilitate the exchange of

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information here.

MEMBER LOEBL: Yes, but if we have a meeting with the contractor, and we ask them to produce something in a meeting, then we have to take that request and filter it back through the Department of Labor.

CHAIR BOWMAN: Uh huh, exactly.

Which is why I think it behooves us for the SEM working group, to ahead of such a meeting put together a list of topics and things that would be important for that meeting.

And the Department, if you all could please inform me if we need to do a formal information request for some of that, or it can just be communicated, that would be helpful.

MEMBER LOEBL: Yes, the reason why --
(Simultaneous speaking.)

MEMBER DOMINA: Aaron, this is Kirk.

MEMBER LOEBL: -- the reason why I suggested writing a letter to the contractor, or writing a note to the contractor, is if it doesn't exist, the contractor is going to say we

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can't have it. Or DOL can't have it.

And if it is old and out of date, the contractor has no reason to release it. And that doesn't require a bunch of us traveling to Washington to meet with Paragon.

That's all I'm suggesting.

CHAIR BOWMAN: Okay.

MEMBER LOEBL: If Department of Labor does ask Paragon for those documents and they provide it, we don't have to have a meeting. We just have to read the documents.

CHAIR BOWMAN: Sure. I think there's other reasons to have the meeting as well though.

MEMBER LOEBL: Okay.

MEMBER SPLETT: When we met before, Aaron, we prepared a list of questions about specific SEM data, and basically said explain, go back to that K25, there were like 10 or 12 of them, explain this, explain this, explain this, so they could be prepared.

PARTICIPANT: Yes.

MEMBER SPLETT: With -- do their own

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homework, and it was very productive.

But I don't know, and I would ask Kirk and Jim whether we have enough issues right now to have a meeting before January.

MEMBER KEY: Yes, well let me suggest this. I don't think we have a collection of enough information to try to set up additional meeting with Paragon before our full board meeting.

I would recommend that we wait until after whereby there may be other issues related that comes up at the full board meeting, that we can carry forward.

MEMBER SPLETT: I'm good with that.

MEMBER DOMINA: Hey Aaron, this is Kirtis.

CHAIR BOWMAN: Hey, Kirk.

MEMBER DOMINA: The guy that works for John Vance, I forgot his name already, but he said there was an update coming to the SEM because the last one was May when we were in Oak Ridge.

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It's the next one was coming out end of this, end of November, first part of December.

Well, that would give us some time before we're supposed to meet in January or February to look at that, and I would just request at this time that Paragon have a representative at the meeting just like, you know, was supposed to be in New Mexico and it didn't happen. There were flight issues or whatever.

But my point is, that it should be put that we request as a board or a subcommittee to SEM, for them, for somebody from Paragon to be at the meeting in person, the next time we meet.

Because they should be able to talk about the update that came out in, the six month update, because of the issues we have with claimants on a, they don't get six months to provide extra evidence.

And that's part of the reason we ask for a couple months update because of what a claimant has to provide, to try and get a claim

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approved.

And with the number of claims that are coming through like what Greg Lewis said, for the last year they had 22,500.

And then John Vance talked about from April till October I believe 22nd, it averages out like 394 claims a week.

And so our people, and when everything is on the claimant to prove it, the burden of proof goes higher and higher all the time, and then we have less and less to work with.

And I think that it's important with this new rev coming out, we don't know if there will be 50 in there or they took out 350. We don't know at this time until it comes out.

That they, that the board recommends no if, ands, or buts, somebody from Paragon be at the next board meeting and not on the computer, but in person.

It's -- traveling for everybody can be a pain, but tell that to the people that we're supposed to be representing and taking care of.

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MEMBER SPLETT: So we're supposed to
get --

(Simultaneous speaking.)

MEMBER LOEBL: Well --

MEMBER SPLETT: Aaron?

MEMBER LOEBL: -- Paragon should have
a person whose job title is software
architecture, and database architecture.

Those people are the people that you
want to query, it seems to me.

CHAIR BOWMAN: Thank you. Gail?

MEMBER SPLETT: My mind just went
blank.

CHAIR BOWMAN: Oh, if it comes back,
let me know --

MEMBER SPLETT: -- Just walked in the
office and threw me off, sorry.

CHAIR BOWMAN: It's all right.

MEMBER SPLETT: Oh, I can remember,
Aaron, sorry.

CHAIR BOWMAN: Oh.

MEMBER SPLETT: If they were going to

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send out those four, the changes like in the next day or so, and I think that would give the SEM subcommittee enough chance to see without having to compare the SEM that's online, just to see what are the changes, and how are they being made.

I think that would be really valuable to give us some time to analyze that.

CHAIR BOWMAN: Excellent, okay. And I think those four documents I mentioned, we should have them momentarily.

MEMBER SPLETT: Okay, that sounds great.

CHAIR BOWMAN: Carrie, can you advise if we wanted to have a PTS representative or representatives at the meeting, does that need to, is that an information request? Is that just something we casually ask for in setting up the meeting? Is that a recommendation? What is that?

MS. RHOADS: You don't need the recommendation for that. We can just use the

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request from the board, and the discussion from this meeting to ask the program for that.

CHAIR BOWMAN: Okay, great.

I think the SEM can help facilitate a conversation and whether or not, and whom, we might ask for.

Okay, I want to keep us on track. I'm not sure we are still on track so we're going to move ahead to recommendation 9 here, which was -- sorry, let me get oriented.

Yes, the board seeks reconsideration of previous recommendation to provide the occupational health questionnaire to any physician asked to address causation in a case along with the accompanying IH reports, that would address the validity of the occupational health questionnaire information, thereby mitigating the concerns noted by the program for providing the occupational health questionnaire that we had previously expressed in the March 21, 2024 memo.

So, the Department continues to

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express concerns about I guess a fairly particular element of this, which is a concern the Department has about physicians receiving conflicting information, basically.

And we have discussed that element as well as a board, at our last full board meeting from the previous board. This was discussed at length.

And so we're not coming to a resolution here certainly. I think the board needs to reconsider the perspective and again, go back to first principles about why we're asking this, and what we're seeking to improve in the program.

I think this falls under the IH/CMC working group, and I want to sort of raise this open for any comments about this particular recommendation and response.

MEMBER CATLIN: Yes, Aaron, this is Mark.

Yes, my concern is a little bit broader than this one. I think, and I think it's

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part of the IH group's from the past board's concern about whether the industrial hygienists were properly, were really addressing the exposures, and the information in the architectural health questionnaire in their final recommendations on the exposure assessment.

So, and then all that goes to the physician.

So, I think that in some ways, we need to keep this alive and keep kind of working on trying to understand this, and trying to improve this.

CHAIR BOWMAN: Yes.

I'm going to mark that down. So, recommendation 9 has continued efforts from the IH/CMC board.

Any other comments about this? Dr. Catlin, thank you.

MEMBER CATLIN: Yes, Aaron, I just wanted to mention the one slide on the SEM that we saw that showed what the SEM doesn't do, a number of those points are things that the

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occupational health questionnaire actually does that are specific.

So, we need to figure out how to make sure that's being addressed. Thanks.

CHAIR BOWMAN: There is a relevant information request as well, that's relevant to this recommendation that we'll hopefully get to here in a second, as well.

Okay, let's move on to recommendation 10, which is the last of the recommendations. Let me get to my notes.

So the board recommends the Department accept the determination by PTS, to add agents from the IARC 2a carcinogens.

Again, this was one that I think is probably closed though the DOL agrees, and it's on track to be in the November 2024 release.

John, maybe you can confirm that that is in fact, in fact, still on track?

MR. VANCE: Yes, it is.

CHAIR BOWMAN: Great. So I believe this recommendation is closed and again, we thank

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the Department for the quick response to this recommendation.

Okay, moving on, unless there's any other comments overall about our past recommendations, I want to talk about the seven information requests, and I want to do so in 20 minutes if we can.

We are apparently authorized to go overtime. We can't start early, but we can go overtime but it's best to stay on time if we possibly can.

So if you could go on to the next slide, please. So this information request is the board requests referee reports in finalized claims for EEOICP for the last 2 years, 2022-2023.

This is the information that was provided. I think this is verbatim, the information from the information request.

Again, the board members have all of this in full detail but I believe this is the information.

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This to me, in my review of it, I suggest this falls fairly clearly under the IH/CMC working group.

I would suggest that this information be utilized by that working group to think about if, how we want to utilize this information.

Whether or not it addressed all the questions we were seeking it to use, and so forth, but I'll open it up for comments.

Not seeing any, let's move on to information item number 2. So the board request data on outcomes of re-review of claims that involve three or more borderline BeLPT, the beryllium, following the recent changes in the policy.

The Department provided us this information here about this, and I believe this was even raised as well in our summary of updates, as well, that John provided earlier today.

So next steps on this information. Continued updates, should this be assigned to one

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of the working groups? Where are we at with this, and any suggestions from the board?

If not assigned to a working group, it would be just something that we could determine at the in-person meeting if this information is sufficient, and there's no recommendations based on it, or what.

Not hearing anything, I think we're going to mark this as information that gets moved on to the next meeting, in terms of determining next step while we continue to consider this.

We all have the information in the response.

All right, okay, let's go on to the next information request. This is number 3, no, number 4. Wait, did I get this right? No, this is BLT 2023 consequential, yes.

So, the board requests information on claims for consequential conditions 2022-23. Nature of the disease, condition, specify the claimant that have occurred as a consequence of previously claimed conditions.

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Outcome of that claim, denial versus acceptance, or reason for the denial or acceptance.

And so, here we have I think a nominal response. There's a nominal amount of information from the Department, with the information that they had.

John, I guess a question. We had heard the new consequential form. Will that permit better tracking of some of this that the board asked for?

MR. VANCE: Yes, but we're not going to have a large population of data for you until the form has been out there and in production, for some period of time.

So, the form just came out in the past few months so that means that we are now tracking those.

But again, you're not going to see a large population of those cases. You'll see a lot of them, but you're not going to see the numbers that you would normally expect to see

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just because it's a new form.

And it's something that we're going to have to develop the tracking and reporting on.

CHAIR BOWMAN: Great. All right, I would propose then that we just await the next update on this for the consequential conditions, till the next full board meeting unless someone would like to look into this between now and then.

All right, let's go on to the information item number 4. Okay, here we're going to actually have a discussion of the next meeting.

So here, the board requests that future Department of Energy site tours that are conducted with the board include to the extent possible, information about site activities that occurred between 1960 and 2000, the period of time where most living former workers began their employment at the sites.

And the Department has agreed to work with us on that, which is fantastic.

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The next physical site that we will be going to is the Hanford site. And we've got several members of the board who have primary knowledge of the Hanford site.

And so, I thought perhaps we could have a discussion about what to advise the Department that we would like to see on the tour.

MEMBER SPLETT: I've already actually had some discussions with some folks at the Department of Energy, and Kirk, jump in.

But I hope to see everybody wants to see B Reactor when they're at Hanford, but it may be they're doing some updates so it may not even be available.

But Kirk, I was thinking 324, 222-S. Those were some of the ones that were added. Obviously the Vit Plant.

MEMBER DOMINA: Yes, probably.

(Simultaneous speaking.)

MEMBER DOMINA: I think we ought to take them to the sub trench.

MEMBER SPLETT: Yes, and pump and

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treat.

MEMBER DOMINA: Say that again?

MEMBER SPLETT: Pump and treat plant.

MEMBER DOMINA: Oh, yes, and then probably maybe take the river road to show where all the old reactors were.

MEMBER SPLETT: Oh, yes, that would be cool.

MEMBER DOMINA: So they have an idea. And then, yes, I don't know what else is scheduled to get tore down.

Maybe like REDOX, just to give them the sheer size of some of these buildings that had 11-foot thick walls, and that are, were a quarter mile long.

MEMBER SPLETT: Oh, maybe what about T plant?

MEMBER DOMINA: Yes, T Plant, yes, uh huh. And --

(Simultaneous speaking.)

MEMBER GORDON: Question. Hanford has this canned -- I want to call it canned, where

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everybody can sign up and take the tour every so often.

MEMBER SPLETT: Yes.

MEMBER GORDON: And it fills up like within 10 minutes. But anyway, I would think that maybe you would have everybody do that, plus whatever other locations.

But what I'm curious is, I'm wondering if we could put a little bit of twist on it that instead of just going through the history, would we be able to have someone there to say here's some of the hazards that they were exposed to in this building, for instance.

I don't know if that's do-able or not.

MEMBER SPLETT: One of the things that the Hanford tours that you're talking about are really just bus tours.

They drive around and point to a building. That's not what's going to happen. They're going to have folks at every facility that the board will get off the bus, get into the facility.

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And there will be somebody there talking specifically about that facility. It's really, there's a tour, for people arrange those tours and they have some amount of experts at each location.

But I don't think that anybody has ever requested that they talk about the potential hazards of those facilities.

I don't know why DOE wouldn't respond to that request.

MEMBER DOMINA: Yes, and this is Kirk again.

The other part too, is with Hanford we had three distinct different operations going on between the 100, 200 and 300 areas.

So, there's different things that went on in each area, which is a hazard in itself. Some of them you interacted with, some of them you don't.

And so, it's three distinct different things going on. And then when you add the fifth plant, which is getting ready to come online,

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that's a whole other thing, too.

So, you got to look at it is you're doing a tour of Hanford but it's -- you could be three different things. I mean, it's 580 square miles.

MEMBER SPLETT: Kirk, what about -- do you think of PNNL? I mean --

(Simultaneous speaking.)

MEMBER DOMINA: Oh, yes, that too.

MEMBER SPLETT: -- originally it was different, but I'm wondering if they shouldn't -- and Cliff, didn't you used to work at PNNL at one point.

MEMBER DOMINA: Yes, because --

(Simultaneous speaking.)

MEMBER GORDON: I did, and we took over that one site of yours that they currently control.

MEMBER DOMINA: Yes, because they separated it in this program in 2005, to be separate.

MEMBER SPLETT: Yes.

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MEMBER DOMINA: Going to Hanford. But yes, we could see what they would let us see, or not see.

MEMBER SPLETT: Yes, we could get the two DOE offices to talk to each other and see if there's, they could swing like for an hour through PNNL and maybe get some briefings on what's going on there.

CHAIR BOWMAN: So Carrie, as we're making plans for that meeting, can Gail and Kirk or others, be liaisons from the board for thinking about how to design these tours?

(Audio interference.)

CHAIR BOWMAN: Carrie, we're not hearing you well.

MR. BIRD: Carrie, you might be better served to turn your video off. It might help with bandwidth.

CHAIR BOWMAN: Hey Carrie, can you hear us now?

All right, well when she's back. I think it would be great for those that have some

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expertise there, to help facilitate to make this tour as productive as possible.

MEMBER SPLETT: The -- point of contact at Hanford reached out and asked me what I thought. So, I gathered some information and I'd set up a 2017 tour.

So, she was trying to get her hands on that but I had talked to a member of management out there who is a good friend.

And she had suggested 222-S and 324 in particular. They're both in the news with potential exposures currently, and then I think that might be definitely worth it.

CHAIR BOWMAN: Okay, excellent. In terms of the dates for the meeting, we've heard back not from everyone but from I think a majority.

And from the dates there seems to be a strong preference for the February 3 through 6 date. For those that have not reached out, or for those that are on the call, can we go ahead and set February 3 through 6?

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Does everyone need a little bit more time on their calendars where it would be good to get the date set, because the tours can't, we really can't start doing anything unless we have the dates.

MEMBER KEY: Yes, Dr. Bowman, I had responded and my preference would have been the January date, but February is fine if that's the majority.

CHAIR BOWMAN: Okay, yes, thank you.

Jim, I'm actually with you. My preference was January as well, but there's some, given the majority of the, yes, I appreciate your flexibility there.

Any other concerns about setting February 3 through 6 as the date?

MEMBER KEY: The only suggestion I have other than the date, is back to Gail and Kirk talking about the buildings on the site. And the massive acreage that the site contains.

I've never heard a DOE tour guide ever give you the truth about anything, number one.

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And two, since this is such a large site, perhaps the tour needs to be more than one day.

CHAIR BOWMAN: Hmm, we'll have to work that out with the calendar.

MEMBER LOEBL: There is another set of assessments that have been conducted by the, well it was called the Tiger Teams, of the Office of Environment at DOE, and it produced a report with a whole list of what to do about hazardous materials, and worker health if they discovered any.

In -- 25 they did that report and I was the leader of the response, and that's how I know about that.

CHAIR BOWMAN: Okay. All right, not having heard any concerns, I think we have the full board well no, sorry, we're minus one board member.

But Carrie if you can hear us, it looks like we're going to probably set February 3 through 6.

If you can reach out to the one

missing board member if they're not amongst the ones you'd already heard from, I think we're going to be set.

MEMBER SPLETT: Aaron, one other thing about the tour. There was some discussion about maybe starting out our tour as we're getting badged, having some member of DOE management talk about the organizational structure of the contractor, so people know when they're talking about different contracts.

I mean, something like 5 or 10 minutes about, and I know there's been a major change at Hanford if you haven't heard.

The two main offices have merged. And talking about what the impacts of that would be.

And maybe their budget, or just so we know a little bit before we go onsite, kind of where we're going and I don't know.

CHAIR BOWMAN: Yes, I think --

(Simultaneous speaking.)

MEMBER SPLETT: It up to the board.

CHAIR BOWMAN: -- think that's

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fantastic. How the contractor, contracting system, how the subcontracting works, I think is important for everything we talked about given that that's the claimant community that we're focused on.

So, I think that would be great. A bit of basic, either a preamble to the tour itself, or maybe someone on the bus with us can give that while we're driving there.

MEMBER SPLETT: Well, actually they were talking to having perhaps the head of the site do some of the welcome. But --

Because we're going to a specific building to get our badges, and that's what, that's their office and they take us into a conference room and talked a little bit before we go, just to kind of set the --

Because when we were at Oak Ridge, I was very confused about the organizational structure, and I've been involved in DOE for 45 years.

And I was really confused how they're

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separated and they seem to be not all one site. And anyway, so we just felt that if the rest of the board would be interested, something pretty short, but.

CHAIR BOWMAN: Sounds good to me.

MEMBER SPLETT: Aaron, one other thing I just thought about, too. I don't know if you want to go by the onsite medical provider.

Because we did that at Santa Fe, which was helpful because I know that some of the doctors wanted to speak with the head doc at the site --

CHAIR BOWMAN: Yes.

MEMBER DOMINA: -- medical facility. Because that recently changed, too. So I don't know if you want to include that in part of this, or not.

CHAIR BOWMAN: Yes, absolutely.

I mean, in some sense, as big, as complete a picture as we can get as a board, the better we are able to perform our expectations.

I think we have all this on the

transcript, and hopefully that will inform the Department as they're helping us to set this up.

And if we can fit it, then let's fit it.

MEMBER SPLETT: That's something Kirk, I wouldn't have thought of. That's a good idea.

CHAIR BOWMAN: Okay, let's go on to the next information request. I think that is, I think we're pretty good on that discussion there.

So, this is info request 5. So, the board requests that the program provide an update on the status and timeline of their efforts to work with its IH contractor to develop feasible changes to IH reports, to better communicate the examination of case-specific exposure data from the March 21, 2024, DOL response to the board.

So, there was a notation of the continued work the Department is doing with the IH contractors, and they provided three redacted documents noting some of these, some of these changes.

I looked through those redacted

documents and there were certainly elements in there, that are going in the right direction on the types of things that this board has been discussing with.

And they highlighted the new language that has been coming out because of this. I don't know if others had looked at those already, but there's at least now explicit mention and inclusion of the OHQ in those reports.

Explicit mention of the employment history form, the SEM searches performed by the CE, the IH, notes about whether or not PPE was used, or not used. What information is, or is absent.

I was seeing things along the lines of what the board has been talking about. Do others who have looked through those documents already have thoughts?

MEMBER CATLIN: Yes, Aaron, this is Mark.

Yes, I agree with your assessment. I think it's moving in the right direction and it

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would, and that will help us, I think, when we have the discussions with their IHs that we have down the road.

CHAIR BOWMAN: Okay.

So, I think that would fall under the CMC/IH working group, whether or not -- there's not much work to be done on that, but maybe to raise that for a full board.

Just think about what might or might not be raised for a full board discussion to keep it going in that right direction.

But Dr. Catlin, thank you. Anyone else?

MEMBER DOMINA: Hey Aaron, this is Kirk again.

CHAIR BOWMAN: Kirk?

MEMBER DOMINA: I just thought about something. Because complex wide, it kind of seems like the security forces kind of get, have issues all the time.

So, I'm kind of wondering if we might want to go out to where Hanford patrol is and,

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because it's out by HAMMER and stuff.

Because you especially hear the issues they have when you go to Sandia, or Los Alamos. And with that too, then you also have Hanford Fire.

CHAIR BOWMAN: Oh, yes, that's come up many, many times, thank you for B-

(Simultaneous speaking.)

MEMBER DOMINA: Yes, and with the burn trenches and that different stuff.

But with the solvents and different stuff that the security forces and non-respirators, and happen to be there no matter come hell or high water, it might be something to think about, too.

CHAIR BOWMAN: Yes, thank you.

MEMBER SPLETT: So, Kirk, are you thinking a sit down with some of the fire force, or just a tour of their facilities, or what are you thinking?

MEMBER DOMINA: Well, I'm just throwing it out there. I'm not thinking, I mean

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because if, you know, I guess there's two sides to that deal.

Because me, I want to talk to the workers. I don't want to talk to their management chain, I mean, you know.

And so, that's all I'm saying.

MEMBER SPLETT: Well, I think it's a good idea, and I'm just wondering if there is a way if some of them to make sure to let them know that there's a public comment period at probably the first day.

And I don't know how to do that.

MEMBER DOMINA: Yes.

MEMBER SPLETT: It's something we can talk about.

MEMBER DOMINA: I can reach out. I got a few contacts; I can reach out to a few of them.

MEMBER SPLETT: You know a guy, huh?

MEMBER DOMINA: Yes, I know a guy that knows a guy, yes.

MEMBER SPLETT: I think HAMMER is

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something really good. I hadn't even thought about that, so I think that's great.

MEMBER DOMINA: Well, because you also have that mock up tank, underground tank on the way there.

MEMBER SPLETT: Exactly, that's where I was going.

MEMBER DOMINA: Yes, uh huh.

MEMBER SPLETT: They have that mock up tank, Aaron, to show how they're going to do some of the waste retrieval.

CHAIR BOWMAN: Huh.

MEMBER SPLETT: So that they can do it without being injured. And it's really, really fascinating.

CHAIR BOWMAN: Okay.

MEMBER DOMINA: Because HAMMER's our training facility where you train, you do hands on training. And so, yes, there's, yes, it could be a long day.

MEMBER SPLETT: Yes.

MEMBER GORDON: I agree with you.

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CHAIR BOWMAN: It sounds engaging.

MEMBER GORDON: I agree with you, Kirk, and that's one reason I was pro force for 20 years. And what I do know is this.

We went places that are not in any paperwork. We hung out at places where it was never documented.

Most lieutenants let you get away with it because you're staying out of their hair. It would be nice to hear from like a veteran of what they used to do for their response plans, compared to what they do now around that pyramid.

So, it would be kind of nice and interesting because they, you know, when they did their job categorization, there is just a lot of stuff that they had opportunities to go to, to depending on their response plans.

And they were all classified. And so, those depending on the response plan, wasn't going to get acknowledged in any IH or anything like that.

Just something to think about.

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CHAIR BOWMAN: Okay. So on this one here, but I am putting that down on sort of the follow up for the IH/CMC working group 2B, for any additional review needed from those redacted documents.

And this might be a simple one that is just sort of what goes on the agenda for the, for our meeting in February.

Go on to the next slide. I'm going to try to move quickly here, if possible.

So, this relates to documentation in support of an assertion that the EHS programs implemented in the '90s, greatly reduced the potential for workers both DOE, contractor, subcontractor, to have significant exposures to toxic substances at the DOE facilities.

There was fairly extensive remark response from the Department, which is characterized by providing a series of links which document the safety programs that have been implemented.

But also with the caveat as noted,

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which I certainly appreciate from the Department, that there is not a presumption of 100 percent safety.

And obviously, there's a balance that's needed. We want to encourage and support implementation of safety programs with an understanding that just like the SEM, nothing is perfect.

So, this to me has potential links to the links between the environmental exposures and the health, but might fall more under CMC/IH.

So I wanted to leave this open. I think it might be valuable to review some of these weblinks. I don't know if a working group would want to work on this between now and then, or if just something.

I mean, first of all, we need a working group for this because someone's got to take the, some group of us needs to take the time to review these weblinks and think about their meaning.

So, one, should we do that? I am open

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to the comments; and should it be the environmental and health science working group, or should it be the CMC/IH working group?

And I'll leave it open.

MEMBER CATLIN: Hey, Aaron, this is Mark. I think when we discussed this last spring, we were thinking part of the IH work group.

CHAIR BOWMAN: Okay.

MEMBER CATLIN: And, I think, I'm happy we can take this on with support from other folks, of course.

CHAIR BOWMAN: Yes, great, thank you. Thank you, Mark.

All right, for sake of time I'm going to add this information request, information 6, to the IH side of this.

Let's please, let's move on to the last information request, this is number 7.

The board notes and appreciates the Department's prior revision, provision of reference list for the decision-making.

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This is relating to noise and solvent-related hearing loss, any additional references.

The Department has had no, their response, no changes in its decision-making process on hearing claims since 2017.

However, since that time, there's been a continued review of the literature and some additional citations are provided.

I think this squarely falls under the working group looking at the link between exposures and health, and the science behind those.

So, I think this is, these are citations and stuff that would be followed up by that EHS working group.

That's my proposal, any comments or thoughts?

MEMBER MIKULSKI: I agree, and I think we somewhat agreed on the including this review under the, this for lack of better name, scientific support.

CHAIR BOWMAN: Yes.

MEMBER MIKULSKI: Working group previously. So, this is something that this group would, or a sub group would eventually be tasked with looking at.

CHAIR BOWMAN: All right, thank you, Marek, I concur.

All right, that would be on that. We are on a push here on time. Let's jump to the next whole set of this, which is that we need to make a plan for the review of the 24 cases.

I think a good portion of our time at the next in-person meeting, should be a discussion of cases.

I want to remind the board that these reviews, these case reviews, are not a reevaluation of specific claims, or relating to an appeal, or anything of that sort.

Rather, these should be considered as representations of claims reviews that are going on so that we can provide overarching recommendations that inflect policy and implementation of this whole process to again,

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with an eye to be supportive of the program and improve in all cases, looking to always improve the quality of case reviews, and case adjudication.

The board has found 24 cases that meet the criteria that I'm not going to read because we're short on time.

That was a criteria we sent forward. These are the, those are the criteria met by these 24 claims.

They are all denied claims, I will state that. These files are huge. They are difficult to wield.

And so, I thought a review of what you will find when you can open them, would be helpful to the board now while we're having this conversation.

So, I want to immediately turn the floor over to John. John, I think you're helping with this. Can you quickly give some guidance to all of us on how to look at these?

MR. VANCE: Yes.

So, what you're going to get. When we pulled these cases, we pulled them randomly. And in fact, we did exhibit some mercy by removing some of the monster cases.

So what you're looking at is generally going to be cases that have under 1,000 pages of documentation. I just decided that anything above that was going to be a little too much.

So, but we were operating from the original pool list and when we identified cases that were just these gigantic monsters, we decided that those just weren't ready to go.

So, what we have distributed is basically 24 cases. I did give the full pool list to you, Dr. Bowman, so you should have like a spreadsheet of those.

CHAIR BOWMAN: Oh, I do, and I have a slide for that, which we'll get to.

MR. VANCE: Yes. So you're going to see a range of cases. You are going to see a range of medical conditions. They are all denied cases that have the features that the board

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requested.

These are going to be .PDF files in whatever chronological order exists in our OWCP imaging system, all right?

These files when they are maintained by us in our case management system, in our imaging system, are actually indexed by subject and categorized by a different indexing categorization.

But when we have to download these files for distribution like what we're doing for the board, they become straight up .PDF files of all the documentation that's available to us. And presented as a single .PDF.

So, they are just long, sequential collections of documentation. What you will find though, is that they do follow a general format and temporal sequencing from the earliest document that we've received, to the more recent document, all right?

My general recommendation would be on the first one just find the initial claim form

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for the conditions that are identified as being denied. Then work your way forward from there looking for the relevant information.

Generally what you will be looking for to have a good understanding of what happened here, is the initiating claim form.

You're going to look for any kind of referral documentation package material that went for an industrial hygiene review, or that CMC assessment, all right?

Those are going to be your principle documents that are sort of guiding where the case is going to have gotten to that denial.

Once you have gotten through those initial development documents, you're going to be looking for a recommended decision that recommended the denial of that claim based on whatever weighing of medical evidence existed.

After that, there may be an objection or a hearing, and then you'll have a final decision that finalized that recommended denial.

Those are the critical pieces of

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information that you're going to want to look for.

As a claims examiner, I can tell you from my experience, once you've looked at a couple of cases you'll be able to quickly scroll through the superfluous information to really focus on those main components that you'll want to be looking at, which is the IH report, the CMC assessment, the recommended decision, and the final decision.

So just understand that those files are in a sequential order just based on how we've received those documents.

You will see a lot of repetitious documents because claimants do submit material, oftentimes duplicatively.

You'll see a lot of back and forth on development letters and that sort of thing, and responses to those letters.

And then, you're just going to see random submissions from various sources.

So, understand that there's a lot of

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information in there. It takes a little bit of patience and a little bit of I don't know, serenity sort of, when I go through all of those in that kind of order.

But if you just can get a way to go scrolling through them relatively quickly and look for those main, main documents, I think that will be very helpful.

Some people might find it helpful to find the final decision that finalized that denial, and work backwards. It's really up to you to decide.

All of the files have been encrypted, and I have provided the encryption key to Dr. Bowman and Carrie, so you should have those.

Just be mindful that these are federal records that are protected by the Privacy Act, so they should not be floating around the ether.

These need to be controlled. They need to be maintained as encrypted files. So, please just be mindful of that.

I'm going to let Carrie sort of be the

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main point of contact with how these documents get transmitted. If there are problems, I can certainly work with Carrie to get resolution on those.

My best comment there is have fun, enjoy the opportunity to look at these files, and appreciate the fact that these are relatively small files.

So, do what you can do and then if there are any questions, I'd be happy to try to address those as they do come up.

CHAIR BOWMAN: All right, thank you, John.

Carrie, the, a brief summary of what members of the board will, how they'll work with you?

MS. RHOADS: Sure. In the next couple of days, I will send you all an email that has a link to the -- is it Kiteware or Kiteview, whatever software, so you can open that up.

You will have to create an account in that software and I hope that's not too

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difficult. I could do it, and I am not a tech person. Dr. Bowman did it relatively easily I believe.

Once you've done that, you will be able to see messages in the system. It looks kind of like another email inbox.

And you will have messages that have the cases that have been pulled. And I believe Dr. Bowman will be assigning people one, two, or three cases. I don't know how many people you want to review each case by I think the last four of the case number.

And then we will send out the assignment sheet and people will have two or three claims to review before the next meeting, to be prepared for discussion.

CHAIR BOWMAN: Yes, that's right. I think it might end up being a few more than that.

MS. RHOADS: Okay.

CHAIR BOWMAN: That's what we're going to have a conversation about here in the next quick minute.

So, there's a slightly abbreviated version of the spreadsheet that outlines all 24 cases on the next slide.

What I was going to propose, which goes back to something I said at the very beginning of our conversation, that there is inherent value coming from each of the communities represented on our board.

And so, I think there is then therefore, value to have one member from each community assigned per case so that there is that perspective on each of the cases that are being reviewed.

What that would mean is there would be in essence, four, four groups. Four divided by 24 is six, that gives six cases per person in groups.

I think there might be some value in having those groups, and also for simplicity, group 1, 2, 3, 4, will randomly sort of assign across the scientific, medical, and claimant communities so that there's some consistency in

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the viewpoints across those.

And as you see, a key descriptor of these is which sort of ICD Code condition it is.

So I was thinking of potentially grouping them by types of ICD Code.

This is my initial suggestion. I am open for editing this suggestion and so I will, what do you all think?

MEMBER LOEBL: I think you can send out the questions, and we can review them.

CHAIR BOWMAN: Yes, that's what we're talking about. And so, six per individual.

So one thing I thought would be useful. If you have a particular expertise or interest in a sort of a general category of health effect, maybe let Carrie and I know and I'll help that to inform.

If Carrie and I work to just randomly make four groups, does that work? And is everyone okay with six as opposed to dividing up in teams of two, not having a member from each community, but fewer to review?

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MEMBER SPLETT: This is Gail. I'm good with six. And I do like your idea of having one from each community. I think that's really good.

CHAIR BOWMAN: Thanks, Gail.

MEMBER LOEBL: I have no medical expertise that I can contribute, so I think the larger group would be useful, or more useful.

But I have had a lot of experience analyzing DOE health records, and death records, and health effects. So I know how to kind of walk that line.

CHAIR BOWMAN: Yes. And the board has reviewed these before. We took more than one in-person meeting to review them.

We actually, and a process that I thought that Dr. Markowitz worked fantastically well with, is we utilized the first in-person meeting where we discussed cases to sort of get at, and raise out elements that seemed to transcend multiple cases.

Generalities that we could draw to

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think about. And then, we discussed those in further detail with more detailed review of cases, in a second meeting.

And mixing up who might be assigned a case, more people read fewer cases to sort of get at some detail.

So, I was thinking we might do something similar to that, as well, here.

Okay, with that being said, in the next couple days, few days, if you have any particularities in sort of the team you're with or the types of diseases, let me know.

Otherwise, these are the types of information we have, so I'll group sort of by the same as I'm at least hoping that there might be similarity in the types of exposures looked at, the types of word processes looked at, if the health effects are like the cancer cases might be similar. The neurological cases might have some similarities that would help us to review those.

So that's how I'll break those out.

MEMBER DOMINA: Aaron, I've got a

question.

CHAIR BOWMAN: Yes.

MEMBER DOMINA: This is Kirk.

CHAIR BOWMAN: Hey, Kirk.

MEMBER DOMINA: Hey, are we going to do, when we reviewed these in years past, we kind of had a template on how to fill out like what the last four of the case number, what the disease.

Are we going to do that again, are you sending that out with it?

CHAIR BOWMAN: Yes, I've got a copy of that template as well, Kirk.

MEMBER DOMINA: Okay.

CHAIR BOWMAN: I'll send that. I think that's helpful.

MEMBER DOMINA: It is.

CHAIR BOWMAN: But for some, we might focus on some things other, but the template, anything to help format our reviews is helpful.

So, I will share that with everyone.

MEMBER DOMINA: Okay.

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CHAIR BOWMAN: It's a suggested template to help us to formulate ideas, but yes, Kirk, that's a great idea. I'll share that.

MEMBER DOMINA: Thank you.

CHAIR BOWMAN: Yes.

Okay, let's go on to the next slide and see where we're at.

Okay, so this is where we've got assignments here. Okay, so we've sort of stuck with what I've noted here under case reviews.

That's what we'll do in the next couple of days, randomly assign. I've got our list of board members, all of us, on this here.

So, let's talk about and I want to encourage everyone to be a part of at least one working group.

And I'd also like to ensure that we've got representation from all three communities on each of the three major working groups.

So, let's start with the SEM Working Group that is currently listed as carrying forward. That is Gail, Kirk, and Jim.

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We need representatives from the medical and scientific communities. Do I have volunteers for that, and as well, Gail, Kirk and Jim, if you all want to leave that for one and go to another, that's fine, too.

Or you can also, you're welcome, anyone who's willing to volunteer for more than one is very much appreciated.

Because we're all actually in two. We're all on a case review group, and we're all on one of these.

So, the SEM Working Group. Those are from my notes looking further at recommendations 6, 7, and 8 in their activities over the next few months.

MEMBER LOEBL: Aaron, this is Andy, this is Andy Loebel. I'll go on and do technical work on SEM.

CHAIR BOWMAN: You will? Okay, great. Dr. Loebel, I'll add you to that group.

So, that will be from the scientific community. Do I have someone from the medical

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community willing to serve on the SEM?

MEMBER VLAHOVICH: This is Kevin Vlahovich, I'd be happy to do that.

CHAIR BOWMAN: Great, thank you, Kevin. So that currently then is Dr. Loebel, Dr. Vlahovich, Gail, Kirk, and Jim. Anyone else?

Okay, IH/CMC group. This had been myself, Dr. Catlin, Dr. Mikulski. So it's that. We've got representation already from the scientific and medical communities.

I need to try to be on one of either the IH/CMC or the exposure health science. I lean towards being exposure health science myself, but we do already have a scientific and a medical community on IH.

Do we have one, Mark and Marek, are you okay continuing on the IH/CMC?

MEMBER CATLIN: Yes, very much.

CHAIR BOWMAN: Marek?

MEMBER MIKULSKI: Yes, same here.

CHAIR BOWMAN: Okay, thank you.

So, I very much would like a member of

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the claimant community.

MEMBER SPLETT: This is Gail, I'd be happy to do it.

CHAIR BOWMAN: All right, thank you.

MEMBER DOMINA: Yes, I will, this is Kirk. I volunteered earlier in the meeting.

CHAIR BOWMAN: Oh, yes, yes, thank you, Kirk.

MEMBER KEY: This is Jim, so did I.

MEMBER SPLETT: Well, you get three of us.

MEMBER KEY: Yes, for the cost of one.

CHAIR BOWMAN: It's also the cost of 12, so.

All right, thank you. We've got Mark, Marek, Gail, Jim, and Kirk on the IH/CMC committee. This is --

(Simultaneous speaking.)

CHAIR BOWMAN: Go ahead.

MEMBER FEAK: If there's still space, I think I'd be a good fit for the IH/CMC committee.

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CHAIR BOWMAN: Kevin, yes, absolutely, yes.

And this committee potentially has the most recommendations and information to follow up on. And it's okay for that committee to break into sub-groups I think, to do that if that helps with the work.

So in that sense, many hands makes lighter work. And this working group perhaps has some of the heaviest work, so.

So, IH/CMC, Kevin, thank you. Is it Feak? Did I say that right?

MEMBER FEAK: Yes, that's correct.

CHAIR BOWMAN: Okay, so we now have six members of the IH/CMC group on there.

And lastly, the exposure and health science group as I'm calling that. Also, I am, I just came up with that myself. I am open to a name change too, if that's helpful to people.

It's basically trying to link the scientific literature with the health literature, with the exposure literature, to think through

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recommendations using the most up to date information that we have.

So, we had previously had Marek, Kevin, and myself as former members of the last board, sorry, we have two Kevins now. Kevin Vlahovich, Marek, and myself.

So, in that sense, we've got scientific and medical community representatives.

I definitely would like a claimant member on this.

Cliff, is that something you think you might?

MEMBER GORDON: Yes, yes. Yes, I'd be happy to.

CHAIR BOWMAN: Okay.

MEMBER DOMINA: Yes, this is Kirk. I'll help out too, because that kind of falls into the IH stuff too, in my opinion.

CHAIR BOWMAN: Yes.

MEMBER DOMINA: You know.

CHAIR BOWMAN: All right --

(Simultaneous speaking.)

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PARTICIPANT: And you've got Florence here.

CHAIR BOWMAN: Who was that?

MEMBER KHATLANI: Sorry.

PARTICIPANT: Go ahead.

MEMBER LOEBL: This is Andy. Have you got six yet?

CHAIR BOWMAN: Working through this. Actually, Marek, are you still on this one?

Marek, are you there?

MEMBER MIKULSKI: Yes, yes, yes, yes, I am.

CHAIR BOWMAN: Great, thank you, Marek.

Dr. Vlahovich, are you still on this one?

MEMBER VLAHOVICH: Yes.

CHAIR BOWMAN: Khaula, you were saying something?

MEMBER KHATLANI: Yes, I did express my interests for this group, but I'm thinking for the case reviews, six cases, I mean I'll be happy

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to do that as well.

CHAIR BOWMAN: Yes, actually on the six case reviews, I'm going to ask every one of us to do six, so we'll all be able to.

MEMBER KHATLANI: Absolutely. And so, exposure health sciences, you can put my name there.

CHAIR BOWMAN: Great, thank you.

MEMBER KHATLANI: For the cancer reviews, I was thinking if I could take a COPD cases. I mean, there are not six COPD cases, but I could take whatever you have there.

CHAIR BOWMAN: Yes, the COPD and --

MEMBER KHATLANI: The respiratory.

CHAIR BOWMAN: Thank you.

MEMBER KHATLANI: You're welcome.

CHAIR BOWMAN: So for exposure health science right now, we have Cliff, Kirk, Marek, Dr. Vlahovich, myself, and Khaula.

All right, is everyone on the group they want and we have, and do we have everyone on a group?

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Oh, we have, I think Sammy's not with us right, I believe he is with his, his newborn. We'll see about assigning him to one of these.

Any other input or membership?

Okay, did I get that right? I said the names, right? We've got MCM is Gail, Kirk, Jim, Dr. Loebel and Dr. Vlahovich. IH/CMC is Mark, Marek, Gail, Jim, Kirk, and Kevin Feak.

Environmental health and science is Cliff, Kirk, Marek, Dr. Vlahovich, myself, and Khaula. Did I miss anyone?

Thank you. Okay, that is our work plan. We are only six minutes over, not so bad I suppose.

Any last comments from the board?

Well, I see some of you have added some notes in the chat. I'll stay on after we close and look at that.

Hopefully, I am, will the chat disappear at the end, Carrie? I want to be able to look at that.

MR. BIRD: No, if you stay on, it will

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stay there, yes.

CHAIR BOWMAN: Okay, great.

MR. BIRD: But I can also just copy and paste and send it to you, Dr. Bowman.

CHAIR BOWMAN: That's great, thank you. That's helpful, appreciate that.

MEMBER CATLIN: Thank you Aaron, for taking on the chair task and I think you did a marvelous first job.

CHAIR BOWMAN: Thank you, Mark, appreciate that. All right --

(Simultaneous speaking.)

MEMBER KHATLANI: Now, will you be sending out an email to finalize members for each work group, working group?

CHAIR BOWMAN: Yes, yes, I will do that.

MEMBER KHATLANI: Thank you.

MEMBER KEY: Also Dr. Bowman, I will be sending you a list of issues that have risen since our last board meeting.

Some of them continuing issues which

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we still have not got resolution with the Department of Labor on. And a continued need for.

And I'll send that to you for your dissemination to other board members, and see the direction for it to go.

CHAIR BOWMAN: Okay. If you could with that, Jim, if you could just put your recommendation with if you think this belongs with a working group, or if it just belongs with a full board conversation for each of those issues. That would be at least a good starting point for us to make a final determination.

Any other comments from the board?

Okay, I believe I turn the meeting back over to Ryan at this point.

MR. JANSEN: Yes, thank you, Dr. Bowman, and excellent job leading your first meeting as board chair. Thanks to everyone for the great discussion today, and the meeting is adjourned.

(Whereupon, the above-entitled matter

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went off the record at 4:08 p.m.)