

Reproduced with permission from Daily Labor Report, 53 DLR 22, 3/19/18. Copyright © 2018 by The Bureau of National Affairs, Inc. (800-372-1033) <http://www.bna.com>

Nuclear Safety

Nuclear Worker Advocates 'Baffled' by Health Board Lapse

A federal advisory board overseeing compensation for nuclear weapons workers exposed to toxic substances is in limbo after a lapse in appointments, raising concerns from advocates for current and former energy facility employees.

The terms of 14 out of 15 members of the Department of Labor's Advisory Board on Toxic Substances and Worker Health expired Feb. 16, according to the department's website. The department has yet to publicly announce replacements, and board chairman Steven Markowitz—whose term expired last month—said he hasn't heard from the Labor Department on its timeline for appointments.

The board, made up of medical professionals, worker representatives and scientists, provides recommendations on an occupational illness compensation program for nuclear workers diagnosed with exposure-related conditions. The Santa Fe New Mexican first reported the lapse in appointees.

The Labor Department didn't respond to Bloomberg Environment's requests for comment. Its website as of March 16 listed the board's next meeting as "to be determined."

The board brought a wealth of knowledge about worker health issues to the labor department, Terrie Barrie, founding member of the Alliance of Nuclear Worker Advocacy Groups, told Bloomberg Environment.

The group, made up of representatives from a range of organizations including the Hanford Atomic Metal Trades Council, Center for Construction Research and Training, and the United Steelworkers, monitors the Energy Employees Occupational Illness Compensation Program Act program that the Labor Department board advises.

The nuclear worker organization is "baffled" by the member expiration, Barrie said. The hiatus could impact thousands of workers awaiting guidance on previously denied claims.

"The obvious thing is the board's work has stopped," Barrie said.

Lapses in Prevention Most members have asked to be reappointed to the board, which made numerous recommendations on how to improve the compensation program, and wants to continue meeting, Markowitz told Bloomberg Environment.

"As far as I'm concerned, the sooner the better," Markowitz, a professor of occupational and environmental medicine and director of the Worker Health Protection Program at Queens College, said.

The board aims to help the nation's nuclear weapons employees, who can be exposed to dangerous substances during the course of their work. The Energy Department has programs at its facilities to reduce the risk of contact with substances such as beryllium and monitor the health of workers encountering them.

The Chronic Beryllium Disease Prevention Program, for example, includes medical surveillance for a disease that comes from breathing toxic dust and fumes from the lightweight metal. A disease affecting the lungs can take years to develop after exposure and includes symptoms such as coughing and chest pain.

The Energy Department Office of Inspector General's inspections, though, have found issues with prevention and exposure programs at facilities throughout the country. Most recently, a February report found the Los Alamos National Laboratory in New Mexico didn't accurately track potential beryllium contamination.

The lab has been working with the office for more than two years regarding its beryllium program, according to a statement emailed to Bloomberg Environment by Los Alamos. The audit showed administrative issues, which have been addressed, it said.

"At no time was the health of any of the workers at the Laboratory at risk as a result of these administrative deficiencies," the statement said. "The safety and health of our workers and the public remain our highest priority."

Claimants in Limbo Employee advocates pushed for the Labor Department's worker health advisory board for several years, Barrie said. Meetings started in 2016 under a mandate, with a sunset date of 2024.

Groups first became concerned in December that time was running out on the two-year terms of appointees, Barrie said. The Alliance of Nuclear Worker Advocacy Groups is asking the department to reappoint members who want to continue serving.

The board's next meeting has to be at least six weeks after members are chosen, based on federal notification requirements, Barrie said. That means priorities from its last meeting in January are already delayed, she said.

That's a particular concern to workers with denied claims. Changes suggested by the board and adopted by the department could allow some workers to reopen them.

New claims continue to come in that are relevant to the board. The board's last meeting in January included

working with the department on program recommendations, Markowitz said.

By **BRENNA GOTH**

To contact the reporter on this story: Brenna Goth in Phoenix at bgoth@bloomberglaw.com

To contact the editor responsible for this story: Rachael Daigle at rdaigle@bloombergenvironment.com

The Energy Department inspector general report is at <https://www.energy.gov/sites/prod/files/2018/02/f49/DOE-OIG-18-20.pdf>