

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM: ARE WE FULFILL-
ING THE PROMISE WE MADE TO THESE COLD
WAR VETERANS WHEN WE CREATED THIS
PROGRAM? (PART V)**

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

DECEMBER 5, 2006

Serial No. 109-159

Printed for the use of the Committee on the Judiciary



Available via the World Wide Web: <http://judiciary.house.gov>

U.S. GOVERNMENT PRINTING OFFICE

31-312 PDF

WASHINGTON : 2007

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SIGNIFICANT DOCUMENTS AND COMMUNICATIONS RELATED TO THE SUBCOMMITTEE'S
OVERSIGHT OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION
PROGRAM ACT

The following documents and communications are significant items the Subcommittee has come across during its oversight investigation on EEOICPA. The Subcommittee found that there is a continuous stream of communications too numerous to include in the record dating from 2002-2006 that reflect a general mentality in the DOL hierarchy from the Assistant Secretary level down to the health physicists reviewing cases that --

- a. Costs are the primary consideration in DOL policy regarding the program.
- b. Any other opinion (executive and legislative) that conflicts with DOL policy and opinions is borne of ignorance, an attempt to defraud the American taxpayer, politics, or some vague personal agenda.
- c. Everyone except DOL is in the pocket of the worker advocates or pursuing an agenda for financial gain.
- d. Exaggeration of the impact of every action by the Advisory Board and the Secretary of HHS is required when reporting to the Secretary of Labor.

Additionally, the Subcommittee found numerous communications dating from 2002-2006 within the HHS offices involved with EEOICPA as well as between those HHS offices and DOL strategizing on minimizing payouts. The following communications are a small sampling of such communications. Relevant correspondence as well as historical and research documents have also been included.

Search 4

From: on behalf of Krishnamoorti, Mala
Sent: Friday, April 15, 2005 11:31 AM
To: Hallmark, Shelby - ESA; Lipnic, Victoria
Cc: Siff, Andrew
Subject: RE: Panel to meet about worker funds

Thanks, Shelby. Just as an fyi...this mtg has been postponed.

From: Hallmark, Shelby - ESA
Sent: Friday, April 15, 2005 11:29 AM
To: Krishnamoorti, Mala; Lipnic, Victoria
Cc: Siff, Andrew
Subject: RE: Panel to meet about worker funds
Importance: High

Vicki et al. - In my quick analysis of the impact of declaring SECs for the second half of Mallinckrodt and/or any part of Iowa, I neglected to reiterate that such a declaration, at least based on the criteria currently at play for justifying these SECs, would not only expand the cost of EEOICPA tremendously; it would also expunge the benefit rights of the 40% or so claimants who incur a cancer that is NOT one of the statutorily listed presumptive SEC cancers. Those individuals would have no recourse, as the dose reconstruction process would have been declared invalid by the SEC determination, leaving no basis for any of that 40% of claimants to meet the test of causation. Thus there is an equity issue associated with declaring SEC status in situations where NIOSH would otherwise have sufficient data to conduct dose reconstructions.

Given the likelihood that NIOSH will not present a forceful case for denial of these two petitions, the current make-up of the Board could result in recommendations that are not wise. Such recommendations will be extremely difficult/painful for the HHS Secretary to override.

-----Original Message-----

From: Hallmark, Shelby - ESA
Sent: Thursday, April 14, 2005 2:28 PM
To: Krishnamoorti, Mala
Cc: Siff, Andrew
Subject: RE: Panel to meet about worker funds
Importance: High

Mala - I just sent a couple things down to Vicki - one is a general discussion of the status of our implementation of the October 2004 EEOICPA amendments, and the other covers the imbroglio around NIOSH, dose reconstructions, the Advisory Board, and Special Exposure Cohort petitions. Let me know if you or Andrew have questions. Thanks, sh

-----Original Message-----

From: Krishnamoorti, Mala [mailto:Krishnamoorti.Mala@dol.gov]
Sent: Thursday, April 14, 2005 1:38 PM
To: Hallmark, Shelby - ESA
Cc: Siff, Andrew
Subject: RE: Panel to meet about worker funds

Shelby ~ Can you please send Andrew and me the preparatory materials for tomorrow's EEOICPA mtg.?

09/07/2006