



# NIOSH Dose Reconstruction Project Meeting Regarding the Site Profile for Allied Chemical Corporation, Metropolis, Illinois

## Meeting Date:

June 22, 2006, 6:00 p.m.

## Meeting with:

United Steelworkers of America (USW) Local 7-669, Metropolis, Illinois

## Attendees:

Name	Organization
Billy Klinghammer	President, United Steelworkers of America (USW) Local 7-669
Katherine Fuller	Manager, Department of Labor (DOL) Resource Center, Paducah, Kentucky
Jean Gross	Deputy Project Manager of Outreach, DOL
Herman Potter	USW International Union
Approximately 30 current and retired members of USW Local 7-669 and spouses	

## NIOSH/ORAU Team:

Greg Macievic, National Institute for Occupational Safety and Health (NIOSH), Office of Compensation, Analysis and Support (OCAS)

Mark Lewis, Advanced Technologies and Laboratories International, Inc. (ATL)

Mary Elliott, ATL

## Proceedings:

Mr. Billy Klinghammer, President of the United Steelworkers of America (USW) Local 7-669, called the meeting to order at approximately 6:00 p.m. USW Local 7-669 represents current and former workers from the former Allied Chemical Corporation, which is now operated by the Honeywell Corporation. The Allied Chemical Corporation contracted with the Department of Energy (DOE) during the 1950s and 1960s to convert uranium oxide ( $U_3O_8$ ) to uranium hexafluoride ( $UF_6$ ) feed for the Paducah Gaseous Diffusion Plant for use in the DOE nuclear weapons program. Approximately 35 people, including current and retired union members and several spouses, attended this special meeting regarding the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). Mr. Klinghammer asked the union members and their guests to introduce themselves, and then introduced Ms. Katherine Fuller, Director of the Department of Labor (DOL) Energy Employees Occupational Compensation Program (EEOICP) Resource Center in Paducah, Kentucky; Ms. Jean Gross, Deputy Project Manager for DOL Outreach; Mr. Herman Potter of the USW International Union; Mr. Greg Macievic of the National Institute for Occupational Safety and Health (NIOSH) Office of Compensation Analysis and Support (OCAS); and Mr. Mark Lewis and Ms. Mary Elliott of the Worker Outreach Team from the NIOSH Dose Reconstruction Project.

Ms. Fuller and Ms. Gross gave a brief presentation of the EEOICPA Subtitle B compensation program, which provides for a one-time compensation of \$150,000 and the reimbursement of eligible medical expenses. Ms. Fuller stated that it is very important for the Cold War veterans of the DOE nuclear weapons complex to take the time to create detailed narratives of their work experiences, including specific details of the locations where they worked, their work assignments, and the names of their coworkers. Since Subtitle B also provides for surviving



## NIOSH Dose Reconstruction Project Meeting Regarding the Site Profile for Allied Chemical Corporation, Metropolis, Illinois

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spouses and children to file claims on behalf of deceased workers, these narratives could be very useful in the event that their survivors would have to file claims. She encouraged the attendees to file if they are eligible and to reach out to others in the community to let them know about the compensation program. Resource Center personnel are available to assist in filing claims.

**Comment:**

I filed a claim a month ago and have not heard anything.

**Katherine Fuller:**

You can call the Resource Center and speak with one of the staff members. Any of them can check on the status of your claim.

**Question:**

Is the compensation only for cancer?

**Katherine Fuller:**

Yes. If you have a cancer that may be related to occupational radiation exposure, you should call the Resource Center to file a claim.

**Question:**

What is the chance for the cut-off date to be extended past 1976 for residual contamination?  
There are still areas of the plant that are contaminated.

**Katherine Fuller:**

NIOSH can probably give you better information on that. They have toll-free numbers.

**Billy Klinghammer:**

The union is making a push for an extension of the residual contamination period. We can work on getting that changed.

**Greg Macievic:**

The Site Profile for Allied Chemical is a general overview of the DOE contract work done at the plant. It was approved in February 2006 and is already undergoing revisions. The NIOSH Team uses the Site Profile as a guideline for reconstructing occupational radiation doses for EEOICPA Subtitle B claimants. NIOSH wants to hear from workers who can provide more specific details to give the “true picture” of the daily work activities and the safety monitoring programs.

**Comment:**

The stuff came into the plant in big drums. If they broke open, we had to shovel it back in. We did not wear any protective gear way back then.

**Greg Macievic:**

It is important to try to remember details – to pinpoint the sources of radiation and the positions of the workers relative to the sources.

**Question:**

How is specific employment information gathered when a claim is filed on behalf of a deceased worker?

**Greg Macievic:**

The Site Profile gives us a pretty good idea about the contamination levels for specific jobs. We can also use co-worker exposure data for the same type of job and apply it to the dose



## NIOSH Dose Reconstruction Project Meeting Regarding the Site Profile for Allied Chemical Corporation, Metropolis, Illinois

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reconstruction for the deceased worker if there is no available dose information.

**Question:**

Do you mean that information is used for a similar job in the same timeframe?

**Greg Macievic:**

That is correct. Jobs and safety practices changed over time, and the dose is calculated based on data from the worker's period of employment. For example, if there is documentation that an incident in 1958 caused significant exposure to employees in the area where he worked, then existing data from that incident could be applied to the worker's dose.

**Katherine Fuller:**

I want to stress again how important it is for workers to write down their work experiences so their survivors will have a narrative if they need to file a claim.

**Mark Lewis:**

You will want to make sure to include names of co-workers, too. They can sometimes give affidavits to verify information.

**Comment:**

I worked at the plant for 34 years and had a lot of jobs over the years. It is hard to remember all the details and the incidents that happened during my employment.

**Greg Macievic:**

The information that will help most is the routine activities or "daily grind." Smaller incidents have a tendency to "disappear" from the records, especially when there is a very long term of employment. Smaller incidents may not contribute much to your radiation dose depending on their nature, but if you can give specific information about your work with radioactive materials – how long you worked with the material, your proximity to the material – things like that can carry some weight.

**Question:**

Do you get most of the dose information from plant records? We were monitored with dosimeter badges. Sometimes they told us that the badges were "wrong" and to go back and get another one.

**Greg Macievic:**

Most of the information in the Site Profile comes from DOE and plant records. But radiation dose is a function of where the materials were and where the badge was worn, and the records may not reflect the actual practices. If the cancer is in the lower body and he or she held the materials close to the lower body, but the worker tells us that the badge was worn on the collar, then NIOSH can make an assumption that the recorded dose would not be representative of the actual dose. It is important to give the worker's perspective since he or she actually worked with the materials. For example, Pantex Quality Control personnel looked through a microscope to examine radioactive material. This example shows how the relation of the source of radiation to the worker's face gives a greater probability to face cancer.

**Question:**

Are we only talking about radiation here?

**Greg Macievic:**

Yes. NIOSH only receives Subtitle B cancer claim for radiation dose reconstruction.

**Question:**

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## NIOSH Dose Reconstruction Project Meeting Regarding the Site Profile for Allied Chemical Corporation, Metropolis, Illinois

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If the claim is filed by phone, how do you get the medical reports?

***Katherine Fuller:***

Resource Center personnel can take your information on the phone and send you the forms to fill out. Be sure to include medical reports documenting every cancer.

**Question:**

My mother filed a claim five years ago on behalf of my father. She still has not been compensated and was told that Allied Chemical had not provided enough information to process the claim. Does DOL keep claims that have been denied on file?

***Greg Macievic:***

Information in the Site Profile may address the issue. The Worker Outreach Team may gather even more information in a Site Profile rollout meeting. Denied claims are kept on file. DOL will send them to NIOSH to be re-evaluated if the Site Profile is revised to include additional information that may affect the outcome of the dose reconstruction.

***Katherine Fuller:***

It is also important to remember that if your claim is denied, you may file again if you are diagnosed with an additional cancer. The subsequent dose reconstruction for multiple cancers may qualify for compensation based on a higher probability of causation.

**Comment:**

My claim was rejected because I could not provide a pathology report.

***Katherine Fuller:***

The DOL requires concrete proof of a cancer for a claim to be considered for dose reconstruction. It is important for energy employees to ask for copies of their medical records when they have an illness. Keeping these records in a safe place may help to expedite the claims process if it would become necessary to file a claim in the future.

***Jean Gross:***

This program has made energy employees aware that there is a need to claim copies of their medical records when they are diagnosed with compensable illnesses.

**Comment:**

When I called to file a claim for prostate cancer, someone at the DOL Resource Center asked me if I knew how many men in the United States got prostate cancer every year.

**Comment:**

Allied Chemical employees don't fall into the Special Exposure Cohort (SEC) in which certain cancers are automatically compensated. It seems that the burden of proof is on us to ensure that we are compensated. This is true at all the other sites that are not part of the SEC.

***Katherine Fuller:***

Even at SEC sites, cancers that are not on the cohort list still require dose reconstruction. Don't discount any cancers. Additional cancers can increase your chance of being compensated. Keep in mind, though, that a skin cancer must be the basal cell type that requires surgical removal.

**Question:**

What is the amount of compensation for a cancer claim in this program?



## NIOSH Dose Reconstruction Project Meeting Regarding the Site Profile for Allied Chemical Corporation, Metropolis, Illinois

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***Katherine Fuller:***

If NIOSH finds that the probability that your cancer is related to your occupational radiation exposure is greater than fifty percent, the compensation is \$150,000 plus reimbursement of medical expenses related to the treatment of the cancer from the day the claim is filed. Claims made by survivors are not eligible for reimbursement of medical expenses.

**Question:**

How is that probability determined? Who makes the determination?

***Greg Macievic:***

NIOSH uses a computer program to determine the “probability of causation” (POC) that the cancer is “as likely as not” to have been caused by the worker’s exposure to radiation in the workplace. Certain cancers have a very high probability that they are related to radiation exposure (for example, leukemia as compared to prostate cancer). The formula has to include dose information since the cancer is a function of the type of radiation and the cumulative dose over the length of employment. If an EEOICPA claimant’s dose records are not available, NIOSH must make claimant-favorable assumptions to estimate the highest possible reasonable radiation dose.

**Greg Macievic – Question to Attendees:**

Were you required to have routine X-rays?

***Response:***

We had a chest X-ray every year. They also did a whole body count.

***Greg Macievic:***

A whole body count is a passive procedure.

**Question:**

Dosimetry records are a reflection of the radiation doses that we received. Can we get copies of our radiation records from the plant?

***Billy Klinghammer:***

The plant is supposed to provide your record to you within 45 days of your request.

**Comment:**

I asked for mine two years ago. I’m still waiting.

***Billy Klinghammer:***

I will find out why you haven’t received it yet.

***Greg Macievic:***

They may be required to provide the records upon your retirement, but that may not apply. NIOSH receives your dose information from DOE records.

**Comment:**

From the beginning, dosimeters were given out for certain jobs. The records never left the control room. The badges were “zeroed” out and reused.

**Comment from Billy Klinghammer to Attendees:**

I want to thank everybody for coming together this evening. Our Resource Center does a great job. This has been a positive experience. I would like to turn the meeting over to Mark Lewis now.



## NIOSH Dose Reconstruction Project Meeting Regarding the Site Profile for Allied Chemical Corporation, Metropolis, Illinois

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Mr. Lewis thanked Mr. Klinghammer for the opportunity to be part of the meeting. He explained that the Advisory Board on Radiation and Worker Health had urged NIOSH to establish the Worker Outreach Program to reach out to labor so the nuclear workers' perspective could be included in the Site Profiles. Mr. Lewis described his 30-year career as a union nuclear worker at the Portsmouth Gaseous Diffusion Plant. Because of his experiences at the plant, he became involved in the "grassroots movement" that led to the passage of EEOICPA. He explained that he was on leave of absence from his job at the plant to serve as the Union Outreach Specialist on the Worker Outreach Team to help give labor a voice in the EEOICPA Site Profiles.

A Site Profile is a tool that is used by dose reconstructors to reconstruct the radiation dose that an energy employee received during the course of his or her employment. Since most of the information in the document is from DOE and company records, the Worker Outreach Team meets with labor organizations to gather information from the workers who actually have the "hands on" work experience at the plant. These "site experts" often have a much different story to tell than what is reflected in the "official records." The Worker Outreach Team met with union officials from Local 7-669 in February 2005 to explain the type of information that is helpful in the dose reconstruction process. Another meeting will be planned after the union has the opportunity to review the Allied Chemical Site Profile. Mr. Lewis reiterated that the Site Profile is a "living document" that can be revised at any time if new information becomes available that can positively affect dose reconstructions.

**Comment from Billy Klinghammer to Attendees:**

The Site Profile can change with input from workers.

**Question:**

Once the Site Profile is complete, will it affect claims?

**Greg Macievic:**

Yes. When the Site Profile is complete, NIOSH reviews any claims that were previously denied or set aside because there wasn't enough information to proceed with dose reconstruction. The Advisory Board also makes a request to have these claims reviewed if a Site Profile is revised to include additional information that may affect claims.

**Comment:**

All we have talked about here is cancer. Other illnesses are not covered. This was not a perfume factory, we handled chemicals every day.

**Greg Macievic:**

Please review the Site Profile. Make sure that the information in it is correct. NIOSH needs any useful information you have. If many of you review it and you all concur that something is missing, NIOSH will have to look at the issue. It is generally a fact that radiation and chemicals go hand-in-hand in much of the DOE complex.

**Comment:**

I have written to my U.S. Senators and Representatives about my frustrations with this program. I have received responses. They are beginning to recognize that things need to change.

**Billy Klinghammer – Comment to Attendees:**

We need to get the facts together for a very good case. We can get their attention.





## NIOSH Dose Reconstruction Project Meeting Regarding the Site Profile for Allied Chemical Corporation, Metropolis, Illinois

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**Question:**

What is the significance of 1976 (as a cutoff date for DOE work)?

***Billy Klinghammer:***

Allied Chemical employees are Cold War veterans. The plant was part of the nuclear weapons industry. The significance of 1976 is that they can't prove by the records that anything went into weapons production after that time. They are saying that the records show that everything went to nuclear power utilities.

**Comment:**

When President Bush made the agreement with Russia to reprocess uranium ore, we were cutting into those drums. That was insoluble uranium. We had to wear respirators.

***Billy Klinghammer:***

We also received greensalt for reprocessing from Mound or Fernald.

Mr. Klinghammer introduced Mr. Herman Potter of the USW International Union. Mr. Potter described the risk mapping process used by workers at the Portsmouth Gaseous Diffusion Plant to search records and gather information to make a case to their legislators for a compensation program for their sick co-workers. Mr. Potter stated that is very important for the Site Profile to be technically correct. He suggested that the same technique could be used to challenge the Allied Chemical Site Profile and to suggest information or available documentation that could make it a better tool for dose reconstruction.

Mr. Klinghammer inquired if the attendees would be willing to come back another time to review the Site Profile in a risk mapping session with guidance from the USW International. The attendees agreed that they would be willing to do so. Mr. Klinghammer stated that USW Local 7-669 officials are hopeful that they will be able to find a way to have the covered EEOICPA contract period extended and are exploring the possibility of filing to become part of the SEC.

Mr. Klinghammer thanked everyone for attending and adjourned the meeting at approximately 7:30 p.m.