



ADVISORY BOARD ON RADIATION AND WORKER HEALTH

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March 11, 2005

The Honorable Michael O. Leavitt
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Ave.
Washington, DC 20201

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Subject: Special Exposure Cohort Designation
Petitions SEC-00012-1 and SEC-00012-2
Mallinckrodt Chemical Works, Uranium Division

Dear Mr. Secretary:

The Advisory Board on Radiation and Worker Health (The Board) has evaluated SEC Petitions 00012-1 and 00012-2 under the statutory requirements established by the Energy Employees Occupational Illness Compensation Program ACT (EEOICPA) and incorporated into 42 CFR Sec. 83.13 (c)(1) and 42 CFR Sec 83.13 (c)(3).

The Board respectfully recommends a Special Exposure Cohort designation be accorded all Department of Energy (DOE) contractors, or subcontractors or Atomic Weapons Employer (AWE) employees who worked in the Uranium Division at the Mallinckrodt Destrehan Street facility during the period from 1942 through 1948.

The recommendation is based on four specific factors:

- All employees identified in these petitions worked in one of the earliest industrial environments where multiple forms of uranium were handled and processed at a time prior to establishment of universal radiation safety controls and standards.
- There is no record of radiation monitoring or protection programs in this facility from 1942 to 1945.
- A limited monitoring program initiated by the contractor in 1945 provides some record, but with inadequate detail to allow development of accurate exposure data for all affected employees prior to 1948.
- Following extensive effort seeking, retrieving, and reviewing all available information, NIOSH has concluded that it is likely that radiation doses at the Mallinckrodt Chemical Works Destrehan Street Uranium Facility could have endangered the health of members of this class. The Board concurs.

The Board reserves judgment with respect to Mallinckrodt workers employed during the 1949-1957 time period until review of newly located raw data is complete. This material may provide additional pertinent information on monitoring programs and worker exposure for that potential cohort. It is the intent of the Board to make a determination on this cohort (1949-1957 workers) at the next meeting of the Board.

The following materials that reflect the Board's deliberations and the information available to the Board in making this recommendation are included herein:

1. Copy of the Mallinckrodt SEC Petition with associated supporting documents
2. Written Statement of Denise Brock and Patricia Ehlman dated February 8, 2005
3. SEC Petition Evaluation Report, Petition SEC-00012-1 from NIOSH Office of Compensation Analysis and Support (OCAS) and SEC Petition Evaluation Report, Petition SEC-00012-2 from NIOSH/OCAS
4. A portion of the *verbatim* transcripts for the Board Meeting of February 7-9, 2005, that includes:
 - Presentation by NIOSH/OCAS of the Evaluation Report of the Mallinckrodt SEC Petition
 - Address to the Board by the petitioners
 - Discussion of the petitions by the Board
5. Power point visuals provided by NIOSH/OCAS

In addition, the Board listened to testimony by a number of former workers and claimants concerning working experiences and conditions at the Mallinckrodt facilities. Details of this testimony are included in the transcripts.

It should be noted that in reaching the decision for this recommendation, all Board members participated with the exception of Dr. Antonio Andrade, who was unable to attend the meeting due to illness and who subsequently died on February 10, 2005.

Sincerely,



Paul L. Ziemer, Ph.D.
Chairman, ABRWH

Cc: John Howard
Director, NIOSH

Enc.