1 And so as we open it for public comment
2 tonight, again, the Board is not here necessarily
3 to answer questions you might have on your case or
4 a case you might be involved in. In fact, we
5 can't do that in a public forum. We are here to
6 listen. If you have concerns about the process or
7 observations or things of that sort that will help
8 us as we move forward, that -- that's the sort of
9 thing we would like to hear. So you are free to
10 tell us what you wish. And as I say, it's a --
11 it's a comment period as opposed to a Q and A,
12 question and answer, period. We're primarily here
13 to listen.
14 If you do have specific issues that may need
15 to be raised with the Agencies -- Department of
16 Labor, Department of Health and Human Services --
17 those can be brought to them and your answers to
18 those kinds of questions could be individually
19 handled by staff later, or we can relay them on.
20 Now let me -- with those sort of preliminary
21 comments, I'm going to open the floor, and those
22 that do have comments to make, we do ask you to
23 approach the mike here. A public transcript is
24 kept of these proceedings so our public recorder
25 here needs to be able to hear through is phones

1 what you are saying. So --
2 Oh, one other thing. Before we do that, it's
3 been requested that we find out who is here
4 tonight, and so I'm going to move into the
5 audience here. This is not "What's My Line" or --
6 but I'm going to start passing the mike around
7 here. Just introdu-- tell us who you are, if you
8 represent a -- some -- some of the people are I
9 know Feds and represent agencies. You can -- if
10 you're willing to admit it -- tell what agency
11 you're with. But otherwise, identify yourself and
12 where you're from. Don't take too -- this is not
13 the public comment period.
14 **MR. NESVET:** Hi --
15 **DR. ZIEMER:** And you can pass it on down.
16 **MR. NESVET:** -- I'm Jeff Nesvet. I'm the
17 Associate Solicitor for Federal Employees and
18 Energy Workers Compensation at the Office of
19 Solicitor for the Department of Labor.
20 **MR. NAIMON:** David Naimon with the Department
21 of Health and Human Services.
22 **MS. HOMOKI-TITUS:** Liz Titus with the
23 Department of Health and Human Services.
24 **MR. BEATTY:** My name is Ray Beatty. I'm a
25 representative from the Fernald Atomic Trades and

1 Labor Council, here as a representative from
2 Fernald, Ohio.
3 **MR. CALLOWAY:** I'm Allen Calloway, vice
4 president of the Fernald Council.
5 **MR. ROWE:** Gordon Rowe, construction
6 electrician from 1579 in Augusta, Georgia.
7 **MR. ROCQUE:** Dennis Rocque, construction
8 electrician, IBEW 1579 here in Augusta and also
9 secretary/treasurer of Augusta building and
10 trades.
11 **MR. JERNIGAN:** Charles Jernigan, manager for
12 the Augusta building and trades medical screening
13 program in Augusta, Georgia.
14 **MR. BEARD:** Morris Beard, construction
15 electrician, Augusta, Georgia; Local 1579 and
16 training director for the CSRA electrical JATC,
17 also with the Augusta building trades.
18 **MR. KATZ:** Ted Katz, and I work -- I work for
19 NIOSH.
20 **MR. WARREN:** Bob Warren. I'm a lawyer from
21 Black Mountain, North Carolina.
22 **MR. MILLER:** Steve Miller, assistant business
23 manager for the IBEW.
24 **MR. HUTCHISON:** Johnny Hutchison, IBEW
25 electricians organizer for local union 1579.

1 **DR. MAURO:** John Mauro. I'm a health
2 physicist with Sanford Cohen & Associates.
3 **MR. ROESSLER:** I'm Chuck Roessler. I'm an
4 interested health physicist.
5 **MS. TOOHEY:** Beverly Toohey, Oak Ridge,
6 Tennessee.
7 **DR. TOOHEY:** Dick Toohey, Oak Ridge
8 Associated Universities. I'm the project director
9 for the dose reconstruction contract with NIOSH.
10 **MS. HOMOKI:** Zee Homoki, Aiken, South
11 Carolina.
12 **MR. HOMOKI:** Steve Homoki, Aiken, South
13 Carolina.
14 **MS. WASHINGTON:** Grace Washington, North
15 Augusta.
16 **MR. TURCIC:** Pete Turcic. I'm the director
17 of the Energy Employees Compensation for the
18 Department of Labor.
19 **MS. MILLER:** I'm Kay Miller. I'm a previous
20 employee with DOE, Savannah River Site.
21 **MS. GANTZ:** Julie Gantz from Augusta, and I'm
22 a former employee of Westinghouse, Savannah River
23 Site.
24 **DR. UTTERBACK:** I'm David Utterback. I'm
25 with NIOSH in Cincinnati, Ohio.

1 **MR. MILLER:** I'm Richard Miller with the
2 Government Accountability Project and I am not
3 with the government.
4 **MR. HILLS:** I'm Warren Hills, Sr., president
5 of the Georgia/South Carolina district council,
6 business manager for the laborers local 1137 here
7 in Augusta, secretary/treasurer for the South
8 Carolina building trades.
9 **MR. MORGAN:** I am Benyoel Morgan, president
10 of local 527 of transport workers union.
11 **MR. WILLIAMS:** Larry Williams, U.S.
12 Department of Labor, from Jacksonville, Florida.
13 **MR. LAWSON:** Howard Lawson, Y-12 plant,
14 electrician and also the atomic trades and labor
15 council, health and safety representative. And
16 also the representative for X-10.
17 **MR. ANFIELD:** My name's Isaiah Anfield. I'm
18 a former employee at duPont and I'm a member of
19 local 1137, general mason's local union, and I
20 have a personal injury.
21 **MS. DIMUZIO:** I'm Martha DeMuzio. I'm from
22 NIOSH.
23 **MS. MAIER:** Hilda Maier, Nuclear Test
24 Personnel Program.
25 **MS. DAVIS:** I'm Allison Davis with NIOSH.

1 **MR. FRANSON:** I'm Bill Franson. I'm the
2 district director for the Jacksonville district
3 office, U.S. Department of Labor.
4 **MR. KOTSCH:** I'm Jeff Kotsch, the health
5 physicist with the DOL energy program.
6 **MR. HENSHAW:** Hi, I'm Russ Henshaw. I'm an
7 epidemiologist with NIOSH in Cincinnati.
8 **DR. HOFFMAN:** I'm Owen Hoffman. I'm
9 president of SENES Oak Ridge, Incorporated. We're
10 the consulting firm that has developed the
11 Interactive RadioEpidemiological Program that
12 calculates probability of causation.
13 **DR. NETON:** I'm Jim Neton. I'm with NIOSH in
14 Cincinnati.
15 **DR. ZIEMER:** Cori?
16 **MS. HOMER:** I'm Cori Homer and I'm with NIOSH
17 Atlanta.
18 **DR. ZIEMER:** Okay. Thank you very much. We
19 appreciate everyone being here.
20 **PUBLIC COMMENT**
21 We're going to begin with Dennis -- is it
22 Rocque? Just Rocque, R-o-c-q-u-e, Rocque. Okay.
23 I'm going to put the mike up here, Dennis, if
24 you'd come on forward.
25 **MR. ROCQUE:** Good evening, Mr. Chairman, and

1 members of the committee. I bring you greetings
2 of welcome to Augusta on behalf of T.S.
3 Yarborough, business manager of local 1579 and
4 International Brotherhood of Electrical Workers,
5 and also the president of Augusta building and
6 construction trades council. I apologize for Mr.
7 Yarborough's absence, as he is at home
8 recuperating from surgery.
9 My name is Dennis Rocque, and I'm the
10 organizer from local 1579 of the International
11 Brotherhood of Electrical Workers and also
12 secretary/treasurer of the Augusta building and
13 construction trades council. It is in this
14 capacity that I am here tonight. Our case is also
15 on behalf of the South Carolina building and
16 construction trades council. It is my
17 understanding that this Board is responsible for
18 reviewing the dose reconstruction program that is
19 part of the radiation compensation program. I
20 wish to thank you for your cooperation and your
21 commitment at the request of national building and
22 trades for, first, holding meetings near DOE
23 sites, and secondly for having this session in the
24 evening, which enables workers and their survivors
25 to come and ask questions or express their

1 concerns.

2 Mr. Chairman, not only does the national

3 building and construction trades have a stake in

4 this program, we in Augusta have a very big stake.

5 There have been 37,000 construction workers at

6 Savannah River Site with potential radiation

7 exposure. We're not here asking for charity.

8 We're here asking you for justice, the justice

9 working men and women so adamantly deserve. We

10 don't just want a program, we want one that is

11 fair and consistent and timely. This can only be

12 achieved by making special considerations for

13 construction workers. Let's not kid ourselves.

14 We all know the individual dose reconstruction

15 program does not work for construction workers.

16 Look at the life of our members. They are

17 employed intermittently. They are on and off the

18 site. They work for subcontractors, and when they

19 are on the site they work all over the place. No

20 two construction workers are alike in what they

21 do.

22 We know through experience at SRS. Our

23 members had experiences with very high exposures

24 that were not properly monitored. Radiation

25 monitoring and dose recording was not systematic

1 or accurate. Construction workers didn't recall
2 details of their employment on the site, or can't
3 recall, and the survivors can't be expected to do
4 this, either. Look at what SRS is. As you know,
5 people were drilled -- it was drilled in workers'
6 heads that you didn't talk about what you did out
7 there. On top of that, we have dangerous work,
8 and you don't want to go home and tell your
9 families what you do every day and have them worry
10 for eight, ten, 12 hours a day.
11 Construction workers -- it's a tough life, as
12 you know, and for these reasons we think that our
13 members and survivors need much more assistance
14 with the claims they process. They need someone
15 who understands construction to give that
16 assistance. They're either elderly workers with
17 cancer or their survivors. Either way, they are
18 mostly old and frail.
19 Mr. Chairman, it is for these reasons we
20 think construction workers should be included in
21 the special cohort, which is a special section of
22 the law that covers workers with radiation
23 exposure but lack adequate monitoring records.
24 The program is taking too long. Over 15,000
25 claims have been filed and less than 1,500

1 completed after three years. It is unbelievable,
2 inconceivable that DOE has burdened these members
3 with the long slow process of just providing -- or
4 just proving employment. We know for a fact that
5 DOE has medical, dose and security records that go
6 back to 1951. DOE should have to produce that
7 information.
8 Mr. Chairman, our members have stopped filing
9 claims because they don't believe in or trust the
10 program. To get them to file claims, they need to
11 know that the program is for them and the program
12 is real.
13 Again, Mr. Chairman, we ask you for justice.
14 We ask you to put our members in a special cohort,
15 and I thank you for listening. Thank you for your
16 time.
17 **DR. ZIEMER:** Thank you very much, Mr. Rocque.
18 We generally allow the Board members, if they
19 wish, to ask any questions, and if you're
20 agreeable -- they may not have any, but if they
21 do, give them the opportunity to ask anything of
22 Mr. Rocque at this point. Yes, Richard Espinosa.
23 **MR. ESPINOSA:** On the SRS site, about how
24 many building and constructors work on the site on
25 a day-to-day basis?

1 **MR. ROCQUE:** Well, I mean it -- today, I
2 don't -- I don't know. I don't have the exact
3 figures today because they're laying off -- 700,
4 800.
5 **MR. ESPINOSA:** Okay, what about --
6 **MR. ROCQUE:** We have had as many in the early
7 eighties as just 1,200 electricians out there
8 alone, so I mean it -- 2,000, 3,000, 4,000.
9 **MR. ESPINOSA:** What about with IBEW?
10 **MR. ROCQUE:** With IBEW today we have probably
11 somewhere in the vicinity of about 200.
12 **UNIDENTIFIED:** (Inaudible)
13 **DR. ZIEMER:** Yes, you'll need to approach a
14 mike, sir. Identify yourself for the record,
15 please, again.
16 **MR. ANFIELD:** My name is Isaiah Anfield and
17 I'm a former employee of E.I.DuPont back in the
18 eighties, and at the present right now I have a
19 medical problem and I just want to know what -- I
20 mean what y'all doing, going to wait on me to die
21 or what? That's all I got to say.
22 **DR. ZIEMER:** Okay. Thank you. Other
23 comments or questions? Yes, Jim.
24 **DR. MELIUS:** You're familiar with the
25 screening program --

1 **MR. ROCQUE:** Yes, sir.

2 **DR. MELIUS:** -- here for that? And is the

3 kind of history and the information that comes

4 from that program, is that something you think

5 could be useful in providing a better description

6 of your work out there and activities?

7 **MR. ROCQUE:** I think that it would be, yes.

8 **DR. MELIUS:** I know it's real hard to, you

9 know, figure out what you did and what people --

10 where they worked and so forth out there --

11 **MR. ROCQUE:** Right.

12 **DR. MELIUS:** -- and NIOSH is -- sort of has

13 to do one interview for everybody, and -- and if

14 we could get something more focused, and I'm just

15 wondering if that -- that kind of a -- tools

16 they've developed and the questionnaires or

17 something you think better gets at what kind of

18 work you did and what, you know, your members were

19 exposed to.

20 **MR. ROCQUE:** I mean it could be helpful, but

21 you know, from my experience, I worked out there

22 for 12 years, and I couldn't tell you every place

23 that I worked, every area. I couldn't tell you

24 every test that I performed. And you know, when

25 you get up there and -- 60 years old, 65 years

1 old, you -- you certainly don't remember. And
2 like I said, even -- when these folks are dead and
3 gone, you have families that won't even know what
4 they did out there, you know. It was just a
5 mystery. All they know is you -- my daddy worked
6 at the bomb plant. My mother worked at the bomb
7 plant. That's -- nobody talks about it. So you
8 know, even -- even with that, can you go back and
9 reconstruct -- trying to say, it may be helpful,
10 but I doubt it.
11 **DR. MELIUS:** Thank you.
12 **DR. ZIEMER:** Thank you very much, Dennis, we
13 appreciate your --
14 **MR. ROCQUE:** Thank you, Mr. Chairman.
15 **DR. ZIEMER:** -- input to the Board. Now I
16 have no other names on my list, and I don't -- I
17 know that you don't want me to sit here and tell
18 my favorite attorney jokes and so on, so I'm just
19 going to open the floor and ask, even if you
20 didn't sign up, you now have an opportunity to --
21 to say anything you wish.
22 **UNIDENTIFIED:** (Inaudible)
23 **DR. ZIEMER:** Again, we do need to have you
24 use the mike in order to be able to record this,
25 so if you don't mind, you'll need to identify for

1 the record who you are.
2 **MR. JERNIGAN:** I'm Charles Jernigan. I
3 manage the screening program for the building and
4 construction trade here in Augusta. And just to
5 comment on your question as to whether it would be
6 helpful or not, we've been doing these screenings
7 for about five years now, and we struggle through
8 these interviews trying to help people remember,
9 and it is a -- a young guy can come in, he
10 remembers what he did two years ago or five years
11 ago. But like Mr. Rocque said, a lot of these
12 people are getting up in age and a lot of them are
13 75, 80 years old. And to ask them what they did
14 in 1951, it's a mystery to them.
15 Those interviews can be helpful because we do
16 an in-depth interview, and we really do all we can
17 to help them remember. And they do remember more
18 than what they think they can, once we get to
19 talking to them. But it is very hard to get those
20 people to remember where they worked, even the
21 years. Sometimes they're four, five years off
22 from when they think they work out there. But as
23 a general rule, we do get some good information in
24 those interviews that probably would be helpful to
25 you.

1 **DR. MELIUS:** Can I just ask you a follow-up
2 question? Have you ever, as part of that program,
3 done any work looking at employment records or,
4 you know, other exposure information records that
5 might -- does that help any more or is that just -
6 -
7 **MR. JERNIGAN:** We don't have access to any
8 records.
9 **DR. MELIUS:** Okay.
10 **MR. JERNIGAN:** All we get is what the
11 individual can remember. And if he has anything
12 personally that he wants to bring in with him, now
13 we look at that. But as far as having access to
14 records from DOE or from the plant, we have no
15 access to that. We have to pretty much rely on
16 what he -- he can remember.
17 **DR. ZIEMER:** Any other follow-up -- yes,
18 Richard, please.
19 **MR. ESPINOSA:** I know within my local union
20 -- it's not a question, it's more of a comment.
21 Within my local union dealing with the retirees
22 throughout the sheet metal workers, as well as
23 building trades, you know, my -- the retirees with
24 my local can tell me how to build an ogee offset
25 just out of memory, but they can't remember the