ORAU TEAM CONFLICT OF INTEREST POLICY

A. Overview

In any situation that involves compensation for injury, whether a tort claim, a worker's compensation case, or a claim made under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA), the integrity of the process must be unimpeachable. This is particularly true under the EEOICPA, because one branch of the U.S. government (i.e., DOE) was responsible for the exposures to ionizing radiation and hazardous substances and is also charged with providing data to assist in adjudicating claims, while other branches of the government (i.e., NIOSH, DOL) are responsible for administering and operating the program. Many of the persons working for the government on this program, whether as federal or contractor employees, have had previous involvement in the conduct of radiation protection programs at Department of Energy (DOE) facilities; or they may have previously received or are currently receiving financial support or compensation from DOE.

The ORAU Team is extremely sensitive to the concerns in the stakeholder community regarding perceived or actual conflicts of interest (COI). We understand why the bar on perceived and actual conflicts of interest must be set higher for this project than is established by the COI provisions of the Federal Acquisition Regulations (FAR).

The critical consideration is not whether the potential for COI exists – it does. The most important factors are that the contractor have a rigorous and precise plan for identifying potential COI situations and avoiding them; and that NIOSH be assured the contractor will carry out that process with absolute integrity. Although some may view it as not desirable that persons with any sort of DOE affiliation be involved in dose reconstruction, preparation of site profiles, or Special Exposure Cohort (SEC) petition review, it is almost inevitable that many such persons must be involved, especially in the process of research. For example, health physicists who have expertise in the internal radiation dosimetry of plutonium must have learned their trade at DOE facilities simply because that is where the plutonium is. Similarly, the research effort to develop Site Profiles and process SEC petitions for the various sites will necessarily involve persons with expert knowledge of the sites, and that knowledge will usually have been gained from having worked there. Therefore, given these inherent potential conflicts, the contractor selected for the dose reconstruction project, along with NIOSH, must do everything possible to prevent or manage actual and perceived conflicts of interest and to disclose all potential conflicts of interest.

ORAU, a non-profit association of universities, was chartered in 1946. In the ensuing five decades, we have gained unparalleled experience in maintaining the integrity of technical processes while working with many issues of public concern. Lessons learned from those experiences have been woven into the culture and structures of ORAU. Providing objective science-based studies and analyses that withstand the COI challenge is more than something we do – it's a part of who we are.

ORAU and its employees are committed to the highest ethical standards. All ORAU employees receive mandatory initial and refresher training in ethical issues. This training is mandatory not only for ORAU employees, but for all persons working on this project, including subcontractors, and was conducted during the start-up phase, with annual refreshers thereafter. Copies of the training materials can be provided to NIOSH for the project files. ORAU will maintain documentation of the successful completion of this (and other) training for all personnel working on this project, whether ORAU or subcontractor employees.

B. COI Policy

ORAU is committed to full and open disclosure as the best way to prevent conflicts of interest. ORAU agrees completely that "sunshine is the best disinfectant."

The ORAU Team will disclose, for each company and for each individual involved in dose reconstruction, preparation of Site Profiles, research supporting determinations of whether or not to add a class of employees to the SEC, or any other work done by primary authors or reviewers for NIOSH on dose reconstructions or SEC petitions on behalf of the EEOICPA program, information about their past and present work at DOE sites. In addition, the ORAU Team members will inform NIOSH of any new DOE work that they are awarded. ORAU and its subcontractors will be proactive in making its processes for avoiding COI available to all stakeholders.

There are three aspects to effective disclosure/avoidance of conflict of interest:

- Planning of the work by the contractor;
- Oversight by NIOSH of COI performance; and
- Disclosure of information sufficient to let the public reach its own conclusions concerning the resolution of potential concerns about conflict of interest.

ORAU will construct a database that lists all DOE sites where EEOICPA team members have worked, and outlines all potential areas of conflict of interest. This database will be used by the Project Director and Task Managers in making and checking work assignments for dose reconstruction, preparation of site profiles, research supporting determinations of whether or not to add a class of employees to the SEC, or any other work done by primary authors or reviewers for NIOSH on dose reconstructions or SEC petitions on behalf of the EEOICPA program. All individuals and companies on the ORAU EEOICPA team will provide the necessary information to populate the database initially, and will promptly update it as necessary.

Access to the database will be provided to NIOSH for oversight of this contract. Printouts about the persons (and their companies) performing individual dose reconstructions, preparation of site profiles, research supporting determinations of whether or not to add a class of employees to the SEC, or any other work done by primary authors or reviewers for NIOSH on dose reconstructions or SEC petitions on behalf of the EEOICPA program will be available upon request, subject to legal

requirements concerning the protection of privacy interests. ORAU will continue to make disclosure statements available to the public via ORAU's website.

The database will be constructed to provide the following information to the ORAU EEOICPA Team, to NIOSH, and, as described above, to others:

- Whether and where ORAU, a subcontractor, or individual employees of ORAU or a subcontractor is, was or will be (in the next 12 months) involved in managing or directing DOE radiation protection and health physics program policies, practices and /or procedures.

- Whether and where ORAU, a subcontractor, or individual employees of ORAU or a subcontractor is, was or will be supporting, directly or indirectly, decision-making in a radiation dosimetry program. This includes a contractor/subcontractor that is a management and operations / management and integration (M&O/M&I), team member of an M&O/M&I, or a program manager of such a program.

- Whether and where ORAU, a subcontractor, or individual employees of ORAU or a subcontractor has broad technical support contracts or task-based contracts in place at DOE sites whose Statement of Work permits them to currently complete or be broadened to include the above radiation dosimetry work.

- Whether and where ORAU, a subcontractor, or individual employees of ORAU or a subcontractor has an active interest in bidding for the above DOE work activities and such "interest" has been properly disclosed elsewhere publicly (through public announcements, media or other disclosures).

- Whether and where any individual employees of ORAU or a subcontractor for the ORAU EEOICPA team have acted as expert witnesses on behalf of DOE or a DOE contractor with respect to worker compensation claims or law suits involving the question of whether radiation exposure was responsible in whole or in part for an alleged injury.

- Whether any individual employees of ORAU or a subcontractor for the ORAU EEOICPA team have former colleagues or co-workers whose claims they may receive for dose reconstruction by virtue of the DOE facilities or sites assigned to them.

- Whether ORAU and its subcontractors and their employees are reviewing reports, assessments, surveys, documents and records that they organizationally or individually have been responsible for authoring, developing, or submitting to DOE or its contractors. ORAU will further indicate if ORAU, a subcontractor, or individual employees of ORAU or a subcontractor was an unidentified contributor to any such reports, assessments, surveys, documents or records.

To avoid potential for actual or perceived conflicts of interest in dose reconstructions or other activities under this contract, ORAU, its subcontractors, and the individual employees of ORAU or a subcontractor will subscribe to the following restrictions:

- No contractor, subcontractor, or employee will be the principle author, reviewer or give final approval of a dose reconstruction for claimants from a given DOE/AWE site, prepare a site profile for that site, or serve as the primary reviewer for a determination of whether or not to add a class of employees to the SEC from that site, if they have previously performed work that affected or established policies on radiation dosimetry assessments, dosimetry programs or records at that site.

- No contractor, subcontractor, or employee will be the principle author, reviewer or give final approval of a dose reconstruction for claimants from a given DOE/AWE site if they have previously been involved with DOE-funded dose assessments or reconstructions for workers from that site.

- No contractor element will participate in or review dose reconstructions or participate in research supporting site profiles or determinations of whether or not to add a class of employees to the SEC for those DOE sites or activities where it is the prime contractor (i.e., M&O/M&I), team member to a prime contractor, program manager or subcontractor managing dosimetry programs, or otherwise intends to be employed as such within 12 months of starting this contract

- No individual will perform, review, or approve radiation dose reconstructions, prepare site profiles, or conduct research supporting determinations of whether or not to add a class of employees to the SEC, if he or she has voluntarily acted as an expert witness (including a non-testifying expert) on behalf of DOE or a DOE contractor in defense of radiation dose claims or suits. Restrictions for an individual who acts under subpoena will be determined on a case-by-case basis.

- No individual will perform, review, or approve radiation dose reconstructions, site profiles, or determinations of whether or not to add a class of employees to the SEC for co-workers, DOE facilities at which they were formerly employed, or for contractors by whom they have been employed. Site experts may be employed to advise on site specific issues and incidents as necessary.

- No contractor or subcontractor element will be permitted to perform or bid for collateral work on DOE radiation dosimetry program support for those sites where it is conducting dose reconstructions, preparing a site profile (or scheduled to prepare a site profile), or performing work supporting a determination of whether or not to add a class of employees to the SEC.

- Key personnel of the ORAU team will not have a conflict of interest with respect to managing this project or carrying out or marketing radiation protection/health physics services elsewhere in DOE.

- Each supervisor, dosimetrist, and reviewer, and each professional performing, reviewing or approving a dose reconstruction, preparing a site profile or performing work supporting a determination of whether or not to add a class of employees to the SEC, will be required to complete and sign the attached form agreeing to abide by the above requirements. The forms will be maintained as auditable records of this project.

- No contractor, subcontractor, or individual will perform, review, or approve radiation dose reconstructions, prepare site profiles, or conduct research supporting determinations of whether or not to add a class of employees to the SEC if the company or individual has voluntarily provided expert witness services (including a non-testifying expert) on behalf of DOE or a contractor in defense of any claim filed under the EEOICPA. Restrictions for an individual who acts under subpoena will be determined on a case-by-case basis.

- A form identifying the dosimetrist who performed the dose reconstruction and the reviewer who approved it will be attached to each dose reconstruction and SEC determination, and provided to the claimant or petitioner(s) as appropriate, along with short biographical sketches.

All subcontracts issued to support ORAU in EEOICPA will contain a clause to ensure that the subcontractor complies with ORAU policy (stated here) regarding conflict of interest.