

NEW EVIDENCE

EXHIBIT B

AFFIDAVIT OF _____ INTERNATIONAL REPRESENTATIVE OF OIL, CHEMICAL AND ATOMIC WORKERS INTERNATIONAL UNION - POSSIBLE EXPOSURE INCIDENT – SUDDEN MYSTERIOUS DEATH IN 1953 OF MR. HAROLD SHEFFIELD, A LAB EMPLOYEE. _____ tells of his experience with the Mathieson Chemical Company in the early 1950s. (See Attachment 1 to this Exhibit.) This is new evidence _____ worked to organize the Mathieson Chemical Plant for OCAWIU in the early 1950s, and was acquainted with many of the employees. He did not know that uranium had been placed in the plant. _____ also gives information about a sudden, unexplained death in 1953 of _____ an employee who worked in the Lab at Mathieson at that time. This incident is mentioned in an article in the Houston Chronicle, dated October 3, 2000 (See Attachment 2 to this Exhibit.) Some of us believe that radiation exposure at the Mathieson Plant site was connected to the mysterious death of _____ Company officials and Government officials visited _____ widow at her home shortly after his death. At that time, employees were not aware of the uranium in the plant. We do not know if this was a “radiation incident” or not _____ died later of _____ and one of the daughters died of _____. We have been told that the few employees who knew about the presence of uranium in the plant were sworn to secrecy. A copy of this newspaper article was given to the Hearing Representative on September 1, 2004, as well as a letter dated August 27, 2004 from former Congressmen Chris Bell and Nick Lampson to The Secretary of Labor but I have not been told that these were considered.

Attachments:

- (1) Affidavit c
- (2) Article “How Dad Died” (Houston Chronicle dated October 3, 2000)
- (3) Article “Cold War in Pasadena” (Pasadena Citizen dated September 13, 2000)
- (4) Letter dated August 27, 2004 from former Congressmen Chris Bell and Nick Lampson to The Secretary of Labor

September 9th, 2010

My name is _____ In 1950 I was _____ of the Oil, Chemical and Atomic Workers International Union, Local 4-367 located in Pasadena, Texas, and from 1951-1957 I was _____ of this OCAWIU, Local 4-367. From 1962-1985 I was an International Representative of Oil, Chemical and Atomic Workers International Union, and located in Pasadena, Texas. During the period of 1957-1962 I worked on organizing several different groups of Union workers and on short term projects for OCAWIU in other parts of the country. OCAWIU later, due to a merger with Paper Allied Industrial Chemical and Energy Workers International Union, became a part of PACE International Union.

Uranium was placed in the Mathieson Chemical Company plant in Pasadena, Texas from 1951-1953 (over 50 years ago) without the knowledge or consent of the employees. I learned about this from a survivor of one of the victims of this unconscionable act. I was told about this by _____ who had filed a claim for compensation. Her _____ had been an employee of Mathieson Chemical Company. According to material from the Department of Labor, the Company has verified his term of employment from 1949 to 1979.

I am forwarding an article in a newspaper (The Houston Chronicle, dated October 3, _____ which tells the story of the sudden death in 1953 of _____ who was at that time an employee of Mathieson Chemical Company. (See Attachment 1) _____ was 47 years old and had worked in the Lab. According to the article _____ was found face-down and unconscious on the sidewalk near the building (Lab) at 4 p.m.”” He was rushed to the hospital but died before he got there. He had left home that morning, after eating breakfast with _____ and had gone to his job in the Lab at Mathieson Chemical Company as he usually did. That was the last time his family saw him alive. The article states that “Family members have always had questions, especially since important men in suits – government officials and company representatives came calling.” His _____ also according to the article “now believes that his death may be related to the radiation materials present in the lab where he and his colleagues worked.”

Several things in this article are very interesting. Many of those who now know about the presence of uranium in the plant feel that a connection exists between _____ job and his death. The way he died, the place he died, the unusual visits by unknown government officials and company representatives to the family home, and the secrecy, (now acknowledged and undisputed) about the presence of the uranium in the Lab lend credibility to the suspicions. Did _____ get careless and get a high level dose of radiation exposure? Did he know of the danger of the chemicals he was handling? Was his death due to an accident or miscalculation? Was he one of the few who had been sworn to secrecy? Were the government officials and company representatives visiting _____ to see what she knew about her husband’s job and to prevent any information she might have from being a threat to their terrible, disgusting secret? Why were these people allowed to keep this dangerous event a secret for almost fifty years?

Why would it be so important to threaten and swear people to secrecy if the material in question was harmless as we are expected to believe? Another interesting thing in the article is that _____ wife died _____ and one of his daughters died due to a _____ . Could these deaths also be connected to _____ radiation exposure?

Answers to these questions could have a direct bearing on events which resulted in the deaths of _____ at _____. No records are known to exist which pertain to anything that happened at that plant site at that time, yet we do have records of later actual events which cannot be denied. Facts point to the conclusion that conditions and circumstances related to radiation exposure from employment in the plant are related to these deaths. _____ death was clearly an unmonitored and unrecorded event. The evidence indicates that this should be identified as an exposure incident.

The U.S. Department of Energy officials (also according to the above mentioned article) acknowledged that the Government has no idea how many may have come in contact with radioactive byproducts or how and where the companies disposed of the waste. The plant produced at least 50 pounds of uranium for the Atomic Energy Commission, and was listed as a "covered facility" in the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) which was passed in 2000.

According to another article (See Attachment 2) in the Houston Chronicle, dated September 13, 2000, a spokesperson now says that a bench lab existed at the Mathieson site, indicating that the work was done in beakers and glasswear. To some, 50 pounds of uranium may not seem like much, but how many of us would be comfortable and feel safe knowing that we were in the vicinity of any amount of uranium. I keep thinking of Madame Currie and her daughter who are believed to have died of radiation exposure. The experts say there is no "safe" level of radiation exposure. Also, according to the article, "The Texas National Resources Conservation Commission retains no records on the Mathieson Chemical Corporation nor does the City of Pasadena", said city spokesperson David Benson. "The policies and relationships between plants and the community were very different then. Now, there's cooperation. Then everything that occurred within a plant's fence line stayed within the fence line." Health and environmental problems were hidden from everyone during the government sponsored programs, including those who handled potentially deadly materials everyday, according to a USA Today report at that time.

One of my jobs in 1952 was to organize the workers at Mathieson Chemical Company in Pasadena, Texas for the Union. The Mathieson group became members of OCAWIU, Local 4-367 and their first contract was negotiated and signed in 1953.

_____ better known as _____ was a great help in organizing the group. He became _____ and later, he was _____ for several years. He _____ and _____ could always be depended on to _____. He also became _____

If you are familiar with the time, effort, and personal interaction required to

understand that this can be quite a challenge. was the type of person who got along well with people. He was outgoing, he respected people, and he enjoyed meeting people and talking to them. He knew everybody in the plant. He knew every area of the plant and was frequently in each area, especially during

His employment began in where his work assignments could take him to any part of the plant. He could be assigned to any location in the plant where a job requiring some type of needed to be done. He later became ar

Mathieson was not a huge Chemical plant. Some employees were brothers or brothers-in-law. Many were friends or relatives who worked together inside the plant and played together and attended each other's family functions outside the plant. He was a young, pleasant, energetic person and the type of person you would expect with a nickname like

He understood people. Many grievances were settled before they became real problems. I knew him to be a hard worker, a person who liked people, and a good interested in helping others and working to have a better life for his family and friends. I saw often and kept in touch with him until he died in 1994. He died without ever knowing about the uranium in the plant and why he had a deceased

Many other members of that Mathieson group have died after being diagnosed with cancer.

probably knew as much as any other employee about the layout of the plant site, the condition and use of the buildings, the condition of the equipment, the way different individuals worked, and plant politics. He DID NOT KNOW about the presence of uranium in the plant. I DID NOT KNOW about it and no other Union official knew about it. Employees did not know about it. I have heard that the few people who knew about it were sworn to secrecy.

As I said earlier, this uranium was placed in the plant without the knowledge or consent of the employees. Workers were put in harms way due to this radiation exposure. They were given no protective equipment or protective clothing. No monitoring was done. No warning signs were posted. No safety precautions were taken. No one expected to be near radioactive materials or hazardous byproducts. NO RECORDS WERE KEPT. This was a secret. Bear in mind that this was over 50 years ago. This was long before computers and cell phones. At that time, little was known about the dangers of

radioactive substances or that proper precautions should be taken, yet employees at plant sites in many areas of this country were regularly exposed to high levels of radiation. Scientists have learned much more about the dangers of radiation exposure since then.

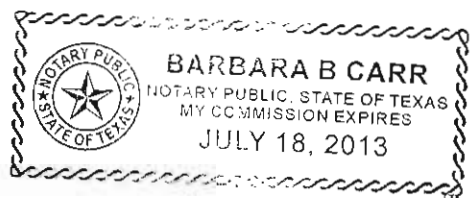
This is a deplorable situation. I am grateful that Congress acted responsibly and passed a law (EEOICPA) to compensate victims and survivors, but it seems that more is needed. It seems that some, like _____ whose claim has been denied, are not receiving the justice to which they are entitled. The law evidently is not clear enough or is not properly being administered. Could it be that claims on behalf of victims who worked in smaller plants are not getting the attention they deserve?

This claim meets all the requirements for an allowance. Any attempt to reconstruct circumstances as they actually occurred over 50 years ago cannot be credible. _____ had _____ while he was still an employee of Mathieson Chemical Company.

I repeat, no monitoring was done and no records were kept. Any Dose Reconstruction Reports would clearly be done only on assumptions. No one knows the actual work schedules, planned or unplanned events that occurred, or circumstances that would cause individual employees to possibly react differently under identical circumstances. No one knows the "safe" level of exposure. No one knows the risk involved to each individual due to personal, physical, life-style, biological or other conditions which must be considered. It seems to me that _____ claim should not have required a dose reconstruction report. No records were kept. I believe this claim should be covered under the Special Exposure Cohort section of the law.

SUBSCRIBED AND SWORN TO before me the undersigned authority on this the 4th day of SEPTEMBER, 2010.

Barbara B. Carr
NOTARY PUBLIC



HOW DAD DIED



These two photographs show Harold Sheffield, who died in 1953 at the age of 47. Also pictured is a newspaper article about the ordering of an autopsy on Sheffield to determine the cause of death.

Pasadena woman just wants some straight answers

By JANETTE RODRIGUES
Houston Chronicle

Harold Sheffield read the newspaper, then sat down to have breakfast with his wife, Myrtle, and their three daughters in their Pasadena home. He wasn't worried about being late for work at the local fertilizer plant, because it was less than a mile from the house on Bearle Street.

One of the girls, Mary, dropped him off at the gate of the Mathieson Chemical Corp. off Texas 225 where he was a laboratory technician. With his lunchbox in hand, he joined the stream of men assigned to the Saturday rotation on Sept. 5, 1953.

It was the last time anyone in his family saw him alive.

"They called us late that afternoon and told us they were rushing him to the hospital," said Chloe Lewis, his daughter. "He was dead by the time we got there."

Three weeks ago, Lewis learned that the plant where her father had worked for two years — specifically the lab where he spent his days — and another plant in Texas City were in-



John Everett / Chronicle

Chloe Lewis stands near the plant site in Pasadena on Texas 225 where her father, Harold Sheffield, worked before he died. Lewis believes his death may have been caused by radiation poisoning related to his job.

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Nuclear

Continued from Page 15A.

involved in a secret federal project to produce weapons-grade uranium to help America win the nuclear arms race.

Local health officials say the sites pose no health threat today.

But that may not be the case for those who worked at the now defunct plants or lived near them in the 1950s. A newspaper review of 100,000 pages of government records shows that hundreds of federal and private labs and plants around the country may have exposed thousands of workers and dozens of communities to potential health risks.

Last week, House Republican leaders scrapped an aid package to compensate ill or deceased — public and private — workers exposed to hazardous materials during the nuclear weapons buildup. The Senate approved the plan, and has returned to compromise talks with House leaders.

During a Houston briefing last week, U.S. Department of Energy officials acknowledged that the government has no idea how many may have come in contact with radioactive byproducts, or how and where the companies disposed of the waste.

Two plants each produced at least 50 pounds of uranium for the Atomic Energy Commission — the Pasadena plant from 1951 to 1952, and the Texas City Chemicals plant between 1952 to 1956. The facilities were part of a pilot project to extract uranium from the phosphate ore used to manufacture fertilizer.

The commission was dissolved in 1974, and its duties given to the Energy Department and the Nuclear Regulatory Commission. In 1977, the government surveyed the Pasadena and Texas City sites for radiation contamination.

The Texas City plant was closed in the 1970s, and later demolished. The survey found above normal levels of radiation in the soils, but no conclusive link to the nuclear fuel processing. The land is now owned by BP Amoco,

which sued the former owner for not disclosing the radioactivity of

the site, a BP official said.

A "small amount" of radioactive material was found under a sink drain at the Pasadena site, and removed about 20 years ago. The property is now owned by Agrifos Fertilizer, which is looking into tearing the unused building down, a company official said.

Lewis, who was 13 when her father died, now believes that his death may be related to the radioactive materials present in the lab where he and his colleagues worked.

Harold Sheffield was found face-down and unconscious on the sidewalk near the building at 4 p.m. He may have been on his way home.

In a published report from the time, the plant manager said that "he knew of no chemical agents or reactions in the laboratory where Mr. Sheffield worked which might have caused his death."

A local lawman was curious enough about the sudden death that he ordered an autopsy of the body. The cause of death was listed as a heart attack.

But family members have always had questions, especially since important men in suits — government officials and company representatives — came calling.

A few days after Harold Sheffield died, three men came to the Bearle Street house. Lewis remembers them going back to her parents' bedroom, where Myrtle Sheffield was lying down.

Looking back on what happened and knowing what she knows now, she believes they were trying to find out if her father had told her mother anything about his work.

Officials from Paper Allied-Industrial Chemical and Energy Workers International Union Local 4-0449 in Texas City say some of their retired members, and the family of deceased members, have started calling them since learning about the review of records. Workers say that they were kept in the dark about the danger of the materials and ongoing, low-level exposure to radiation.

W.E. "Sonny" Sanders, PACE secretary and treasurer, said that

PACE Local

The PACE Local in Pasadena can be reached at 409-945-2355. The Energy Department help line, which is also collecting the names of workers, is 877-447-9756.

'I don't want to imply that anyone killed my father. I just want to understand. I want them to explain to me in detail what happened — that's all I want.'

Chloe Lewis

more family members than survivors are calling in to ask about exposure, illnesses, birth defects and compensation. People are very concerned, he added.

Union officials in Pasadena were unavailable for comment.

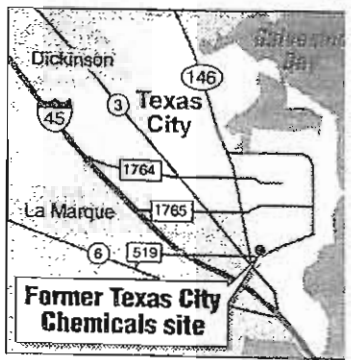
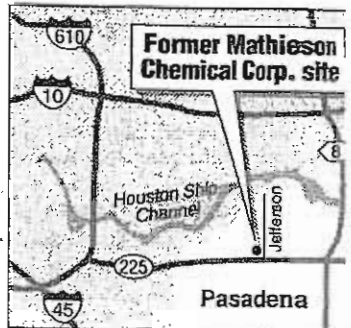
Lewis, now 60, wonders what her father did, or didn't, know. She doesn't believe that he would knowingly wear clothes home that were contaminated and then hug his wife and children.

"There were always so many lingering questions," she said. "From day one, we have felt like this was a cover-up. When those men came to our house it was just strange."

Sitting at the dining room table of her Pasadena home, she looks at faded sepia-tone photographs of her father with her daughter, Kathy Longmore.

One picture shows a serious, matinee-idol handsome young man circa 1930s. Another shows the family surrounding the tinsel-covered Christmas tree; Harold Sheffield is the last one on the right, a middle-aged man with once smooth cheeks now scored by character lines. The last picture was taken the Christmas before his death.

Longmore said that she wouldn't know about the plant's Cold War activities if the informa-



Chronicle

tion concerning it hadn't been recently declassified. She hopes that workers who were sworn to secrecy will now come forward

"Maybe we'll start getting answers," Longmore said. "It's starting to make some sense."

The local unions involved in the plants are collecting information on what happened and how people may have been affected. According to federal studies, at least 22 different types of cancer are attributed to radiation contamination.

Lewis said she isn't interested in pointing fingers, but she wants answers to the questions that she and her sisters had about their father's death.

Among her childhood family, Lewis is the last survivor. Her mother died of cancer, and her sister, Mary Donghi, recently had a fatal heart attack. Her sister Peggy Dollar, also recently died of a brain tumor.

"I don't want to imply that anyone killed my father," she said, sitting a few feet away from the piano he loved to play. "I just want to understand. I want them to explain to me in detail what happened — that's all I want."

CITIZEN

Wednesday, September 13, 2000

www.thepasadenacitizen.com

Meeting evokes mixed emotions from residents

... speak before council at the meeting regarding the up-coming Volunteer Fire Department Appreciation banquet. Scott praised the mayor and council for supporting the effort to initiate a scholarship fund for the firefighters and their families four years ago and said, "We've funded over \$40,000 in scholarships so far. This year, we need about \$14,000 for the 17 recipients of the funding." Scott went on to say that the volunteer fire-

fighters are prevented from taking a second job to bring in more income for the families because of their commitment to the fire department and the citizens of Pasadena.

"College costs money and we want to do all we can to give something back to these men and women," he said. The mayor commended Scott and E.J. Richey, who began the scholarship fund and thanked them publicly for their efforts.

Charles Evans was next on the list and, coincidentally, spoke of the VFD banquet as well. As a Brookwood resident who is "attempting to find solutions, rather than place blame" in the current fire response issue Evans spoke in favor of the VFD banquet saying, "After speaking last week I became aware of the appreciation dinner to be held on September 21... I believe that to be a worthy cause, and set about to interest

as many of my friends and neighbors as possible in this noble venture."

Evans told the council he is expecting "two tables of Brookwood residents" to be in attendance at the dinner to support the firefighters. He received the mayor's appreciation for his spirit of cooperation and volunteerism.

The dinner will be held at the Pasadena Convention Center on

See COUNCIL, page 8

Helping out



photos by Thomas B. Shea
daughter Olivia while resting on her bed with her home care nurse is to have oxygen 24 hours a day and can only be fed through a

Cold War in Pasadena?

Local plant now on site being checked

By HALLEY CORNELL
Citizen staff

A frenzied 1940's and 50's Cold War race to stockpile a national nuclear arsenal was fueled by workers at private companies secretly commissioned by the U.S. government — including a Pasadena plant — according to recent findings by researchers working for USA Today.

The Mathieson Chemical Corporation reportedly extracted up to 50 pounds of uranium from phosphate production byprod-

ucts for government use between 1950 and '51, possibly without the knowledge of its employees.

The site, after changing hands several times over the last half-century, is now home to Agrifos Fertilizer, L.P., near SH 225 on Jackson Rd.

Agrifos Plant Manager Steve Pierce said to his knowledge, only a bench scale lab existed at the site between 1951 and '53.

"Bench lab means all the work was done in beakers and glassware. There was nothing that we know of involving

See NUCLEAR, page 8A

NUCLEAR from page 1A

pipelines or reactors," Pierce said. "When the experiments were finished, the lab was dismantled and removed, and the area was used in the 70's as an engineering lab by Mathieson and Olin-Mathieson," he said.

Pierce, however, said he has never seen any information per-

taining to the experiments or their results.

"We understand it was involving the extraction of uranium oxide, which is not a major radiation source. It's something that can be recovered from phosphoric acid," he said.

No work involving uranium has taken place at the site since 1953, Pierce said, and since the 70's, the old lab building has been closed down and boarded up — under consideration for demolition.

"As far as we're concerned, it's just an idle area of the plant, and it's nothing alarming.

However, anytime radiation is involved, we understand that there is going to be concern. If we decide to tear the building down, we would most likely take tests to make sure there's nothing that needs to be disposed of in a specific manner before going ahead," he said.

The plant site was part of a federal survey that checked for residual contamination in 1977, when radioactive substances were located in a sink drain and supposedly removed to a safe location, according to USA Today studies. Whether that clean-up was followed up on, however, is

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unknown.

A study of the site in more recent years did result in the discovery of the presence of low levels of radiation, but it is unknown whether that radiation is at all related to previous uranium production, said Jerry Harris, spokesman for the Harris County Pollution Control.

"We read 14 micro roentgen of radiation at the plant site, which is not a substantial amount, when we tested the area several years ago," Harris said. A roentgen is a unit of exposure to ionizing radiation, such as x-rays or gamma rays.

Following extensive research of over 100,000 pages of declassified government documents, USA Today has named over 150 such sites -- facilities that between them handled tons upon tons of radioactive substances often with little safety equipment or knowledge of proper precautions. Employees were regularly exposed to high levels of radiation, levels sometimes exceeding current limits by hundreds of times, the report said. And those limits became increasingly more stringent as scientists learned the dangers of radiation.

In comparison to some sites in New England and the Midwest, some of which spent almost a decade doing commissioned

nuclear weapons work for the Atomic Energy Commission, Mathieson's uranium extraction experiments seemed minor.

Still, it is unclear whether any substantial research has been conducted to determine whether workers became sick or died as a result of radiation exposure at the plant. Most workers involved in the nuclear production program received no medical study.

It is also unclear whether the community became vulnerable to radioactive wastes which may have been released into the air, water or soil.

The Texas Natural Resources Conservation Commission retains no records on the Mathieson Chemical Corporation, nor does the city of Pasadena.

Said city spokesperson David Benson, "The policies and relationships between plants and the community were very different then. Now, there's cooperation. Then, everything that occurred within a plant's fence line, stayed within the fence line."

Health and environmental problems were hidden from everyone during the government-sponsored programs, including those who handled potentially deadly materials every day, according to the USA Today report.

Texas' Ninth District

Congressman Nick Lampson is among those demanding the government answer those and other decades-old unearthened queries.

In a recent letter penned to National Secretary of Energy Bill Richardson, Lampson urged immediate investigation of the Pasadena site, and 149 other sites nationwide, including one in Texas City, two in the Dallas-Fort Worth area, and the Medina facility near San Antonio, a major nuclear operations support facility.

"It is appalling that the federal government managed to forget about these nuclear weapons facilities," Lampson said. "However, it would be even worse if the government failed to respond to the recent revelations. The people who worked there and the people who lived there now are some of the forgotten heroes of the Cold War, and deserve immediate attention by the federal government."

Lampson's letter, as well as legislative hearings he is in the process of procuring, according to Communications Director Kristyn Brimmeier, call for several major steps from the federal government.

Immediate public disclosure of remaining information is first on the list. The information, said Lampson, could include investigations of past operations that may help determine human exposure and contamination levels. Further investigation to determine the possibility of current environmental contamination is also important, he said.

Additionally, Lampson calls for identification of all workers involved in facility operations at the time of possible exposure. Those former employers should receive appropriate testing and treatment, Lampson said.

Word on whether hearings will proceed should be available by the end of the week, Brimmeier said.

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Chris Bell
Congress of the United States
House of Representatives
25th District, Texas

August 27, 2004

The Honorable Elaine L. Chao
Secretary of Labor
U.S. Department Of Labor
200 Constitution, N.W.
Washington, D.C. 20210

Dear Secretary Chao:

I am writing to request a review and reconsideration of a compensation claim by

For the past several years, I have been working with constituents in southeast Texas regarding claims under the federal Energy Employees Occupational Illness Compensation Program. In my perspective, the Program has experienced many challenges. Not only are many of the claims based on work performed decades ago, but a large number of the facilities in question have been closed for many years, as well. In fact, a large number of former nuclear weapons production and research sites were virtually forgotten by the federal government until just five years ago, including two in southeast Texas. However, considering the patriotic duties performed by these Cold War era workers, it is important that the federal government do everything possible to ensure an effective compensation program.

(NIOSH Tracking Number applied for survivor
compensation due to her husband's death from cancer. He worked at the Mathieson
Chemical facility of Pasadena, Texas during the time of that site's nuclear weapons work.
Her application for compensation has met almost all of requirements and
has proven very diligent in fulfilling the agency's many requests for information and
documents. However, the Program has denied her compensation claim due to one
questionable decision.

According to the Program's rules, compensation is provided when the cancer is at least as
likely as not to be related to the employment at nuclear weapons facility. This translates
into a 50% or greater probability of causation. It is my understanding that the claim was
denied based on the likelihood being only 32.3%.

August 27, 2004

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Upon reviewing the background information, it is clear that the percentage of causation was based not on direct evidence, but merely guesswork. In fact, it is my understanding that no site visit to Pasadena was conducted. The only documentation cited for her case was the Technical Information Bulletin used in general for "various atomic weapons employers." In other words, no direct archival evidence of radiation exposure from Mathieson Chemical was analyzed. Relying on merely general information could completely miss specific exposure issues at Mathieson such as any history of breaking safety procedures, specialized operations, work with non-normal substances, major spillages, exposure to clean up crews and any abnormal occurrences that could lead to different human exposure paths.

I, therefore, ask that you review the claim b_____ and that the appropriate archival records, site visits, witness interviews and other information sources be employed.

Sincerely,



Chris Bell
Member of Congress



Nick Lampson
Member of Congress

CB:SA