being friendly, the second to last line on that first page, referring to the adequacy, I believe that the actual wording in EEOICPA is "scientific validity and quality". Is that not true? Can somebody help me? Is -- were you quoting, Jim, or -- I --

DR. MELIUS: I was paraphrasing but not quoting.

DR. ZIEMER: I think that "scientific quality and adequacy" are the actual words and I'm suggesting that we use that. That's the concept for adequacy, but insofar as we can actually quote the --

DR. MELIUS: That would be fine, and also while you were out, we gave -- I think it's usual these letters -- that you have a final say in terms of grammar and style issues, so...

DR. ZIEMER: I have another question, also, again -- and maybe this will also be within the prerogative of the working thing. Were you quoting from section 42 USC 738 -- 3874(q)? Have you confirmed that that is the exact -- it is in quotes in your letter.

DR. MELIUS: (Off microphone) I believe it (Inaudible).

DR. ZIEMER: Well, in any event, where we're quoting exactly, I will make sure that we quote it exactly.

The other comment I had was in the second to last paragraph, "Procedures for Designing (sic) Classes of Employees" and so on, I wonder if it would be good to expand that to include the -- well, in the second sentence you have the dates of the rulemaking and in the first sentence we don't -- we just have the year. I was going to suggest that we add in there the month of the issuing of the rulemaking and the dates of the comment period in both sentences. You have it in the one but not the other.

DR. MELIUS: I didn't have --

DR. ZIEMER: I'll dig that out. If you're agreed, we'll just add those.

DR. MELIUS: That's fine.

DR. ZIEMER: Are there any other -- yes, Gen Roessler.

DR. ROESSLER: Mine is grammatical and I probably shouldn't even bring it up, but I want to remind the Chair -- and I'm sure that as an academic person who deals with dangling participles so well that he'll recognize that a

Board -- the Advisory Board is an "it", not an "our" or not "us".

DR. ZIEMER: I've already changed my copies.

DR. ROESSLER: You marked al-- thank you.

DR. ZIEMER: Yes. Tony and Robert.

DR. ANDRADE: Okay, one final proposed amendment, and that is to change wording such that we can combine the last two short paragraphs, as follows. We start with "Potentially eligible" and we continue on with "classes of workers" et cetera, and keep the rest of that small paragraph as is. And then at the end of that paragraph, append "Hence, we" and then follow through with the last part of the last paragraph, so it would read "Hence, we urge you to finalize the Special Exposure Cohort rule" et cetera, et cetera. In other words, we'd take out the piece that, again --

DR. ZIEMER: This is the delay issue again.

DR. ANDRADE: The delay issue.

DR. ZIEMER: Okay. I guess if that was friendly before, it's still friendly. Is that the --

DR. MELIUS: Yeah, I have no objection to taking that out.

DR. ANDRADE: That is my --

DR. ZIEMER: Agree to that change?

DR. ANDRADE: Right.

DR. ZIEMER: Hence -- hence, the Board --

DR. ANDRADE: The Board --

DR. ZIEMER: -- urges you... Thank you. Are there any further friendly or unfriendly amendments?

(No responses)

Are you ready to vote on this proposed letter? You appear to be ready to vote -- pardon me?

UNIDENTIFIED: (Off microphone) (Inaudible) second.

DR. ZIEMER: It was seconded originally before it went on the table, so -- right.

Okay, all in favor say aye.

(Affirmative responses)

Any opposed, no.

(No responses)

Any abstentions?

(No responses)

The ayes have it, and we will prepare the final letter and copies will be distributed, as well, to the Board. Thank you.

Several of you asked for copies of the letter that was sent to me by three members of Congress. Who didn't -- these were distributed at our last meeting, but some of you needed copies. Cori will --

DR. MELIUS: (Off microphone) Actually (Inaudible) Cori my original of that.

DR. ZIEMER: Cori will distribute those.

(Pause)

DR. ZIEMER: Oh, okay.

(Pause)

DR. ZIEMER: Okay. And did you distribute a copy of my response?

MS. HOMER: Yes.

DR. ZIEMER: Okay.

MR. ELLIOTT: Your response went to all three senators on an individual letterhead --

DR. ZIEMER: Yes.

MR. ELLIOTT: -- but we only passed out -- I think Cori only passed out the one to Ms. Slaughter.

DR. ZIEMER: They were all identical and just the names were changed. The last paragraph indicates that similar responses went to the other two Representatives, and then I also sent this, as

well as copy of the original letter, to Secretary Thompson. Okay? So -- any comments or questions on that letter?

DR. MELIUS: I guess I would like -- first of all, I'd like to try to work out some procedure so we understand how these letters will be handled. When I -- as I recalled the last meeting and checked back to the transcript, we talked about that you were going to consult -- the Chair was going to consult with NIOSH about these issues and then share with us what was going to happen, and it was -- the "share" was vague, but I was at least expecting to get a copy of what was being sent. And if there were policy or other issues related to the Board, that the Board would be consulted in some way on addressing these, that this -- and frankly, I don't completely understand what your response was and -- do that, so I think in the -- guess what I would ask in the future is that when these letters come in that we spend some time sort of being more specific about what the follow-up is. 'Cause I'm not trying to fault you in that sense, 'cause --

DR. ZIEMER: No, I appreciate that.

DR. MELIUS: -- we might have misunderstood

that, but also that if there are policy or other issues that are raised by this that affect -- that are on behalf of the Board, then I think the Board needs to talk about them and have some input into them.

DR. ZIEMER: Thank you for that comment. I was vague at the last meeting 'cause I had only just received the letter and seen it on the way in, and I wanted to have a chance to kind of match it against our stated responsibilities. We were, in a sense, being asked to do some things that were sort of what I would classify as being mandated by a Congressional group to do certain tasks. Our charge comes else-- from -- from a -- both the President and from our charter. And so basically, after having laid the letter side-by-side with our stated responsibilities, I simply -- it appeared to me that the first effort to, if there were issues, had to go to the Agency. Congress, I think, can direct in fact probably agencies to do those sorts of things. But in any event, officially to transmit their concerns to the Agency, and then secondly to let them know what we were doing in the way of audit procedures. We're being asked to specifically do an audit

where we didn't even have procedures in place. Our selection of what we audit has to be based on the principles that we develop and not necessarily simply audit when -- when Congress asks us to, unless they wish to change the legislation. But that was the nature -- I don't think that I set any policy in responding. I simply told them what we were doing, that as we developed the audit procedures that we will ask the Agency to share them with -- with them. So that's the response -- I wasn't -- I get a number of letters from individuals on a variety of things. If they're addressed to me personally and not the Board, then I respond to them. I do not try to act on behalf of the Board in terms of changing anything or setting any policy. I just told them what we're doing. That was my response. But I'd be glad to -- if the Board wishes, on these kinds of things, to see the response in advance, I'm glad to do that, too. I don't have any problem with that.

DR. MELIUS: Again, speaking personally, I think when -- I think we've talked about this before, there are letters that come in from individual claimants. They may come to you, they may come to the entire Board, and I think we've

discussed some of the pitfalls of those as well as being discreet in how we handle them in terms of response and so forth and those I have concern-- I think when we get a letter from someone in Congress to the Advisory Board clearly asking the Advisory Board to do something, that that ought to be something we -- we discuss, or at least be informed about the response, that if you're someone in Congress, you read the law and the law clearly says that we are going to be reviewing dose reconstructions and so forth. And so I think you at least, from reading the law, it would be appropriate for them to turn to us and ask us to do that. And certainly the request was made on behalf of their constituents from the -- you know, it wasn't the -- their whim and I don't think it was a issue of, you know, what the Executive was or was not doing. You know, these are two Republicans and a Democrat that -- that wrote this letter.

I also think that in the response -- at least I would have preferred you indicating -- at least giving a little bit better -- more of an update on where we were in this process. It wasn't just that NIOSH would -- or HHS would communicate

procedures, but that we were actually -- you know, at that time were in the process of awarding contract and taking up the -- to review site profiles, as well as individual dose reconstructions and that we would be making a selection. Now whether or not we take their desire in account in making that selection I think is, you know, something we could discuss. But in several ways it -- it's moot now after the previous actions we've taken this morning, but I guess I get a little worried that if we defer too much to NIOSH that we're implying that NIOSH or HHS is entirely in control of this process and that that has implications in terms of the independence of our review. And we -- I think our charge to review is -- when Congress set this up was for an independent review related to certain parameters of the dose reconstruction and that we need to be careful that when we communicate that we convey that we are doing an independent review and that -- us and then that NIOSH is well aware of that and I think supportive of -- of the need for the credibility of that -- that process.

DR. ZIEMER: I thought the second paragraph basically said that, but maybe not in the words

others would have used, but -- yeah. And at that point I wasn't prepared to give them a timetable 'cause we were still in flux. I simply said we are in the process. But thank you for those comments.

Other comments? Tony?

DR. ANDRADE: Paul, perhaps -- perhaps we should set a bar. The original legislation for EEOICPA was developed by Congressmen, even with great participation from Congressmen from my state, and it seems like although we shouldn't respond to the specific tasking that -- or not necessarily respond to the specific tasking that comes about because it -- this can become a circus. Okay? This can set a bad precedent if we were to do so. I think that what -- the bar or the threshold that I'm talking about may be that if there are Congressional communications that go to you or to others on the Board, that we share those and that we discuss those before -- and perhaps the Board get together and collectively put a -- an appropriate response together.

DR. ZIEMER: I certainly -- be glad to do that. Others want to weigh in on this?

DR. ANDERSON: I think it's a -- it was a