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PUBLIC HEALTH SERVICE
CENTERS FOR DISEASE CONTROL AND PREVENTION
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

convenes

WORKING GROUP MEETING

ADVISORY BOARD ON
RADIATION AND WORKER HEALTH

WORKER OUTREACH

The verbatim transcript of the Work Group Meeting of the Advisory Board on Radiation and Worker Health held at the Marriott Airport Hotel, Cincinnati, Ohio, on Mar. 13, 2008.

STEVEN RAY GREEN AND ASSOCIATES
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TRANSCRIPT LEGEND

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-- (sic) denotes an incorrect usage or pronunciation of a word which is transcribed in its original form as reported.

-- (phonetically) indicates a phonetic spelling of the word if no confirmation of the correct spelling is available.

-- "uh-huh" represents an affirmative response, and "uh-uh" represents a negative response.

-- "*" denotes a spelling based on phonetics, without reference available.

-- ^/(inaudible)/ (unintelligible) signifies speaker failure, usually failure to use a microphone.

P A R T I C I P A N T S

(By Group, in Alphabetical Order)

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BURGOS, ZAIDA, NIOSH
ELLIOTT, LARRY, NIOSH
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KOTSCH, JEFF, U.S. DOL
LEWIS, MARK, ATL
MCKEEL, DAN, SINEW

P R O C E E D I N G S

(3:00 p.m.)

WELCOME AND OPENING COMMENTS**DR. CHRISTINE BRANCHE, DFO**

1 **DR. BRANCHE:** I'm Dr. Christine Branche, and
2 I'm from NIOSH. And we're about to begin now
3 the Outreach Working Group meeting of the
4 Advisory Board on Radiation and Worker Health.
5 Mr. Michael Gibson is the Chair, and I'd like
6 to begin by having each of the Board members
7 on the phone announce themselves, please.

8 **MR. GIBSON (by Telephone):** This is Mike,
9 Dr. Branche. I'm here.

10 **DR. BRANCHE:** In the room, please.

11 **MS. MUNN:** Wanda Munn, here.

12 **DR. BRANCHE:** We'll go on to the other
13 information here before we check on the other
14 two Advisory Board members. NIOSH staff in
15 the room, would you please announce
16 yourselves?

17 **MR. ELLIOTT:** Larry Elliott, Director of
18 OCAS.

1 **MR. HINNEFELD:** Stu Hinnefeld, Technical
2 Program Manager for OCAS.

3 **MS. ADAMS:** Nancy Adams, Office of the
4 Director.

5 **DR. BRANCHE:** NIOSH staff who are
6 participating by phone, would you please
7 announce yourselves?

8 **MS. BURGOS (by Telephone):** Zaida Burgos.

9 **MS. BREYER (by Telephone):** This is Laurie
10 Breyer.

11 **DR. BRANCHE:** ORAU staff who are on by
12 phone, please announce yourselves.

13 **MR. ELLIOTT:** Maybe ATL staff.

14 **DR. BRANCHE:** Okay, ATL staff who are
15 participating by phone would you please
16 announce yourselves?

17 **MR. LEWIS (by Telephone):** This is Mark
18 Lewis with ATL.

19 **DR. BRANCHE:** SC&A staff who are
20 participating by phone please announce
21 yourselves.

22 (no response)

1 **DR. BRANCHE:** Other federal agency staff who
2 are in the room, please.

3 **MS. HOWELL:** This is Emily Howell with HHS.

4 **DR. BRANCHE:** And those by phone, please.

5 **MS. HOMOKI-TITUS (by Telephone):** Liz
6 Homoki-Titus with HHS.

7 **MR. KOTSCH (by Telephone):** Jeff Kotsch with
8 Labor.

9 **DR. BRANCHE:** Petitioners or their
10 representatives who would like to announce
11 their names please do so now.

12 **DR. McKEEL (by Telephone):** This is Dan
13 McKeel.

14 **DR. BRANCHE:** Workers or their
15 representatives who would like to announce
16 themselves please do so now.

17 (no response)

18 **DR. BRANCHE:** Members of Congress or their
19 representatives would you please indicate your
20 names now?

21 (no response)

22 **DR. BRANCHE:** Others who'd like to mention

1 their names please do so now.

2 (no response)

3 **DR. BRANCHE:** Are either Josie Beach or
4 Philip Schofield on the line?

5 (no response)

6 **DR. BRANCHE:** Zaida, would you please call
7 them?

8 **MS. BURGOS (by Telephone):** I will.

9 **DR. BRANCHE:** Thank you.

10 All right, for those of you
11 participating by phone, if you would please
12 mute your phones now. If you do not have a
13 mute button, then please use star six to mute
14 your phones, and then when you're ready to
15 speak, please use the same star six that will
16 allow us to hear you. I appreciate everyone's
17 participation in muting their lines so that we
18 can all enhance the quality of the call.

19 Mr. Gibson, I turn the microphone over
20 to you.

21 **INTRODUCTION BY CHAIR**

22 **MR. GIBSON (by Telephone):** Okay, thank you,

1 Dr. Branche.

2 I'd like to welcome everyone to the
3 second meeting of the work group on Worker
4 Outreach. I don't anticipate this being a
5 very long meeting. It's basically just a
6 little bit more of a status check. What I
7 think we had in mind here was no formal
8 presentations but OCAS is going to give us an
9 informal update on their new procedure they're
10 developing as a database. And then we're
11 going to hear from SC&A if they had any
12 further comments or updates from the last
13 meeting.

14 And then I'd like to hear if there are
15 any additional comments or concerns from
16 workers or their representatives or their
17 advocates, and then we can hear from the
18 members of the work group if they've attended
19 any outreach meetings and how that went. So
20 if there's no other questions, we'll get
21 started. I'll turn it over to Larry or one of
22 his staff and they can give us an informal

1 update on the new procedure database they're
2 preparing.

3 **DR. BRANCHE:** Again, this is Dr. Christine
4 Branche from NIOSH. If you are not speaking
5 and you are on the phone, if you could please
6 mute your phone. If you do not have a mute
7 button, then please use star six to mute your
8 phone. I'm saying this again because there's
9 a person that's breathing rather heavily on
10 the line that's distorting the phone.

11 Mr. Elliott.

12 **OCAS UPDATE**

13 **MR. ELLIOTT:** Thank you.

14 Thanks, Mike.

15 Yes, our two action items from your
16 last working group meeting were to report
17 progress on our revision of our outreach
18 procedure protocol, if you will, and a
19 database that is being developed in support of
20 that. J.J. Johnson, who is the OCAS staff
21 member who's leading this effort, couldn't be
22 with us today, and Laurie, if you have details

1 beyond what I have, feel free to add them
2 here.

3 But it's my understanding from J.J.
4 that work is proceeding on both of these, the
5 revision and the database development. We
6 don't have much more to say than that, just
7 that work is proceeding. I think our intent
8 is still to have this put in some final form
9 for the working group's examination by the --
10 I don't know -- did we say the June meeting?
11 I don't recall.

12 **MR. HINNEFELD:** I don't recall if he gave,
13 he gave us --

14 **DR. BRANCHE:** Does Laurie know?

15 **MR. ELLIOTT:** Do you know, Laurie?

16 **MS. BREYER (by Telephone):** I don't think
17 that we had a specific timeframe that I
18 remember. I know we talked about having an
19 update for this meeting, but I'll look through
20 my notes though.

21 **MR. ELLIOTT:** I will look into that, Mr.
22 Gibson, so that I can get back to you and the

1 working group members with a little bit
2 clearer understanding of our timeline on this
3 effort.

4 The other thing that we were asked to
5 report progress on, or report back about, were
6 a calendar of events, outreach events, that we
7 understood were scheduled. And at this point
8 in time there's only one event that we are
9 actively involved in scheduling and that is a
10 training workshop that organized labor reps
11 have asked for a variety of sites. And labor
12 representatives from sites across the complex
13 have asked for us to give them a training on
14 SEC procedures and dose reconstruction
15 probability of causation calculation.

16 We've done similar kinds of these
17 workshops in the past where we brought in
18 interested parties, workers, labor
19 representatives, activists and advocates and
20 sat down in a one-and-a-half day session. And
21 that's kind of what we're planning here except
22 we're, through the good works of Vern

1 McDougall and ATL and Mark Lewis, we're asking
2 these labor folks to help set the agenda for
3 that day and a half or whatever it turns out
4 to be.

5 That is coming up, I believe we had it
6 targeted for the 28th and 29th?

7 **MR. HINNEFELD:** I think it's the 29th and
8 30th.

9 **MR. ELLIOTT:** Twenty-ninth and 30th. And
10 then the only other thing that I would say is
11 tentatively being scheduled right now is SEC
12 outreach for Savannah River.

13 And in that I'll remind this working
14 group and members of the public that are on
15 the line that we have a variety of outreach
16 forums from town hall meetings to focus
17 groups, and for an SEC interaction we will
18 probably be looking at a far more likely focus
19 group where we take in a series of questions
20 that come out of the petition and try to gain
21 some insight from former or current workers
22 about the operations at that site that are

1 relevant to the petition. I don't know when
2 that's going to be planned. That's just in
3 the conceptualization right now stage.

4 I guess that's all I have to say
5 unless Laurie has something else to offer.

6 **MS. BREYER (by Telephone):** The only thing
7 that I have to offer is I did look in my
8 notes. I don't see where we gave a specific
9 month where we would try to have these new
10 procedures done other than J.J. commenting
11 that it would probably take several months to
12 get it done.

13 And just a little clarification on
14 J.J.'s progress on getting those procedures
15 written was delayed some because he was
16 waiting for our technical support team to get
17 that database up and running which will help
18 us out writing the procedures. And one of the
19 guys working on that was out for awhile
20 because of an illness in his family.

21 So both of those, the database and the
22 procedures, are like Larry said, up and

1 running, and we'll be working on those. And
2 the only other future outreach is NIOSH staff
3 are going to be attending some DOL outreach
4 meetings in support of a couple of outreach
5 meetings they're doing in areas where a newly
6 added SEC class is now in effect. And other
7 than that I don't have any other comments.

8 **MR. ELLIOTT:** I guess that raises a question
9 in my mind with regard to the calendar of
10 events. Mr. Gibson, do you, or Ms. Munn, do
11 you feel that we should include those kinds
12 of, there are DOL-sponsored meetings, and we
13 typically are invited to participate to
14 explain our role. Sometimes we may not be.
15 Sometimes we are invited, and we choose not to
16 go. So is that something you want to see on
17 the calendar, what Laurie just described as
18 DOL-sponsored event?

19 **MR. GIBSON (by Telephone):** I would say I
20 think we might see them on the calendar
21 although while we are interested in how these
22 meetings take place I don't know that we'd

1 have any input since the Department of Labor
2 is just initiating the meeting.

3 **MR. ELLIOTT:** Okay, well, we'll make sure we
4 then speak and add those types of events to
5 the calendar if that's, you think that would
6 be helpful.

7 I think it's probably helpful to know
8 that the ones Laurie just mentioned are
9 Lawrence-Livermore --

10 **MR. HINNEFELD:** Lawrence-Livermore and Los
11 Alamos. Los Alamos is the week before the
12 next Board meeting, and Lawrence-Livermore is
13 the week of April 21st.

14 **MS. MUNN:** This is Wanda. It's always
15 informative for me to see how these meetings
16 are conducted and the kind of material that is
17 covered. Specifically, it's of great interest
18 to see where the workers' concerns lie most
19 clearly and which of the worker groups express
20 the most concern and the most desire for
21 further information.

22 It's sometimes difficult to go to

1 these, but sometimes well worth the effort. I
2 found it, the few that I've attended
3 personally, have been very helpful for me
4 especially when we as a full Board begin to
5 discuss that particular site.

6 **MR. GIBSON (by Telephone):** Yeah I'll just
7 add on to that. I was able to attend the
8 worker outreach SEC meeting at Pinellas in
9 February that Laurie Breyer and Denise Brock
10 put on and had Pete Darnelle there with them
11 to answer health physics questions. And for
12 the SEC-type meeting like that, it was very
13 well conducted and for the most part very well
14 received by the people, very informative to
15 them. And I think those type of meetings seem
16 to be going fairly well as opposed to some of
17 the others that we've seen, now there's more
18 worker concerns as Wanda said.

19 **MR. ELLIOTT:** We appreciate hearing the
20 Board members' thoughts and reflections about
21 their attendance at these meetings and
22 certainly welcome any comments or thoughts you

1 may have as toward where we can improve, how
2 we can do these things better.

3 **MR. GIBSON (by Telephone):** So is there any
4 other comments or anything on the OCAS
5 procedures or database at this time?

6 (no response)

7 **MR. GIBSON (by Telephone):** We'll move on to
8 SC&A. Does SC&A have any further comments or
9 updates they'd like to share at this point?

10 **DR. BRANCHE:** Has anyone from SC&A joined
11 the line?

12 (no response)

13 **MS. MUNN:** This is Wanda. In the absence of
14 SC&A, I can comment that I did go to Argonne
15 East with Kathy Robertson-DeMers and Chick
16 Phillips when they went down to conduct worker
17 interviews in an effort to obtain
18 clarification and more detailed information on
19 the site profile and to check the records that
20 are there which were voluminous by the way and
21 extremely interesting for anyone who has any
22 interest at all in the history of nuclear

1 technology.

2 It's hard not to be fascinated by what
3 goes on at Argonne East and what they have in
4 their record systems there. We were there for
5 three full days, and although I did very
6 little other than observe and comment with
7 some of the workers from time to time, found
8 it extremely interesting and I think it was
9 very productive for Kathy and Chick.

10 **MR. ELLIOTT:** I was just reminded that there
11 was one other interaction I will say with a
12 group of workers. It's at their request. I'm
13 not sure if it falls under our outreach
14 rubric, but certainly we will be, Jim Neton
15 and I, will be going down to the Portsmouth,
16 Ohio, area and talking to a group of guards
17 down there that have some questions and issues
18 that they have raised up about the Portsmouth
19 Gaseous Diffusion Plant's site profile. And I
20 believe we communicated those to the Board to
21 Dr. Ziemer. So we will be visiting with those
22 folks onsite.

1 WORKERS, WORKER REPRESENTATIVES/ADVOCATE COMMENTS

2 **MR. GIBSON (by Telephone):** Moving right
3 along here, we had some comments by Dr. McKeel
4 and [Identifying Information Redacted] and one
5 of the gentlemen from the security force at
6 Fernald in the last meeting. If any of those
7 are on the line, and they still have concerns
8 or anything they want to bring up at this
9 point or any other workers who are out there.

10 **DR. McKEEL (by Telephone):** This is Dan
11 McKeel. I just had some further input on one
12 of my concerns last time that I found
13 something and maybe you all could benefit from
14 this.

15 As you know part of the problem with
16 outreach is to try to -- and I would say this
17 is not exclusively directed at outreach -- but
18 one of the problems to try to get records to
19 verify testimony that the workers give at
20 their meetings with NIOSH and with SC&A. And
21 that necessarily involves getting information
22 from the CDC Atlanta FOIA Office.

1 I have been concerned for a long time
2 at the long delays experienced. I had a
3 conversation yesterday with Brenda Schumer,
4 and it was very illuminating because it highly
5 clarified for me that that office is operating
6 under what they call the first-in first-out
7 principle. And the principle derives from a
8 case called Open America versus the Watergate
9 -- and I can't remember the last part --
10 Special Prosecution Force is what it's called.
11 That's the court name of the case.

12 And in that case I think the committee
13 from Watergate, the Congressional committee,
14 was deluged with information requests under
15 FOIA. And the Court granted to them a special
16 exemption whereby they didn't have to answer
17 requests within 20 days like the law
18 stipulates for everybody else because there
19 were extraordinary volumes of material
20 submitted. And so that ruling which was very
21 narrowing for that situation where an agency
22 suddenly gets overwhelmed with requests and

1 cannot meet the 20-day response time ^ to
2 catch up on the backlog and to take 20 days to
3 give the requestor a response ^ handle the
4 request. And so basically the 20-day delivery
5 requirement is waived.

6 So I went yesterday to ask what the
7 FOIA office in Atlanta has been operating
8 under for quite some time, and I was directed
9 to where that document is. And I certainly
10 could furnish that to the committee if they're
11 at all interested. But it gives us a reason
12 and explanation as to why it's taking so long
13 for Atlanta FOIA to process materials that
14 were related to the issues that workers were
15 very interested in, and that we only have
16 access to really through the FOIA process.

17 My reading of that ruling -- and I'm
18 no lawyer -- but it seems very clear to me
19 that the Court intended that only for
20 situations which were truly exceptional
21 increases in FOIA requests, and I frankly
22 don't understand where that has occurred for

1 HHS in the CDC FOIA office unless it's some
2 extraordinary bump up that they've gotten from
3 just the whole program itself. But I would
4 imagine EEOICPA is a very small part of their
5 overall task.

6 The other thing that the Court said
7 was that that exception is granted for first-
8 in first-out only if the agency can show that
9 they are drawing down the backlog and dealing
10 with it. And I don't know if that's true at
11 all or not. So anyway, that was my insight
12 that I thought I'd pass along to everybody and
13 if at least a possible explanation for why a
14 request made December the 14th for three
15 documents has not been delivered here on March
16 the 13th.

17 I guess that's all I have to say. I'm
18 happy to be participating and have a chance to
19 have input into these outreach meetings of the
20 work group which I think are very important.

21 Thank you.

22 **MR. GIBSON (by Telephone):** Thank you, Dan.

1 Larry, could we possibly maybe at our
2 next meeting have someone from CDC's Legal
3 Department answer this in some more detail as
4 far as do they think this first-in first-out
5 policy is applicable to NIOSH in this program
6 or --

7 **MS. HOMOKI-TITUS (by Telephone):** We don't
8 do public presentations from the Legal
9 Department. As you know we haven't done them
10 in the past, and we won't do them now. If we
11 need to have a closed session or some other
12 type of session to address this issue for you,
13 we will. But you really should be asking for
14 somebody from the FOIA office to come and
15 explain their policy.

16 **MR. GIBSON (by Telephone):** Okay, I'll
17 revise my request and ask someone from FOIA to
18 give us their policy and their position on
19 this.

20 **MR. ELLIOTT:** You'd like that to the working
21 group or to the full Board?

22 **MR. GIBSON (by Telephone):** It's probably a

1 question for the whole Board.

2 **MR. ELLIOTT:** I think it would be.

3 **DR. BRANCHE:** This is Christine. I'll make
4 the request. It wouldn't be able to happen
5 until the June meeting at the earliest.

6 **MR. GIBSON (by Telephone):** That's fine.

7 **MS. HOWELL:** And, Mike, you may want to
8 convey this concern to Dr. Ziemer if the full
9 Board presentation will be needed.

10 **MR. GIBSON (by Telephone):** Okay. I just
11 feel like this is an ongoing issue and the
12 more information we can get on it I think the
13 better we can try to deal with it.

14 **DR. BRANCHE:** Or at least understand it.

15 **MR. GIBSON (by Telephone):** Right.

16 Are there any other workers that are -
17 [Identifying Information Redacted] or anyone
18 else on the line?

19 (no response)

20 **MR. GIBSON (by Telephone):** Any other
21 workers or their advocates that would like to
22 make a comment?

1 (no response)

2 **MR. GIBSON (by Telephone):** If not, Josie or
3 Phil joined us?

4 **DR. BRANCHE:** Mr. Gibson, Zaida would have
5 called, and they would have joined the line
6 based on her having prompted them. Given that
7 they have not joined the call I suspect that
8 she was unable to reach them. And I don't
9 have an e-mail indicating that either of them
10 --

11 **MS. BURGOS (by Telephone):** Dr. Branche,
12 this is Zaida. Yes, I was unable to get a
13 hold of them. I left messages.

14 **DR. BRANCHE:** Okay, thanks so much for
15 verifying that.

16 **MR. GIBSON (by Telephone):** Thank you,
17 Zaida.

18 Wanda, do you have any other comments
19 as far as this working group or any of the
20 meetings that we've attended?

21 **MS. MUNN:** I don't believe so, Mike. You
22 heard my report from Argonne, and that's the

1 only personal interaction that I had.

2 **MR. GIBSON (by Telephone):** Well, with that
3 being said I don't see a whole lot more to do
4 here today, and I don't really see any
5 concrete issues that we can set another
6 meeting of this work group yet.

7 **MR. ELLIOTT:** I think you need to have our
8 revised procedure and database before we can
9 really have something to chew on.

10 **MR. GIBSON (by Telephone):** Correct, yeah.
11 So maybe we can, members of the work group get
12 together sometime during our Tampa meeting and
13 maybe discuss another little informal phone
14 call. But other than that I think we're
15 waiting on this new procedure and database.

16 **MS. MUNN:** Perhaps at the Tampa meeting we
17 can identify when our next phone call needs to
18 happen.

19 **MR. GIBSON (by Telephone):** Right. And
20 other than that, is there any other comments
21 from Board members or NIOSH or Dr. Branche?

22 **DR. BRANCHE:** No other comments from me.

1 What I've done, if Mr. Gibson, if you would
2 want to inquire of Dr. Ziemer about wanting to
3 have this on the June agenda, if you want to
4 do that by e-mail you can feel free to copy
5 me, and then I'll pursue that formally based
6 on his response.

7 **MR. GIBSON (by Telephone):** Okay, I will do
8 that.

9 **DR. BRANCHE:** Thank you very much.

10 **MR. GIBSON (by Telephone):** Other than that
11 as far as I'm concerned I think this meeting's
12 adjourned. I'd like to thank everyone for
13 their participation.

14 (Whereupon, the meeting was adjourned at
15 3:36 p.m.)

16

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**CERTIFICATE OF COURT REPORTER
STATE OF GEORGIA
COUNTY OF FULTON**

I, Steven Ray Green, Certified Merit Court Reporter, do hereby certify that I reported the above and foregoing on the day of March 13, 2008; and it is a true and accurate transcript of the testimony captioned herein.

I further certify that I am neither kin nor counsel to any of the parties herein, nor have any interest in the cause named herein.

WITNESS my hand and official seal this the 9th day of Dec., 2008.

**STEVEN RAY GREEN, CCR, CVR-CM, PNSC
CERTIFIED MERIT COURT REPORTER
CERTIFICATE NUMBER: A-2102**