

United States Senate

WASHINGTON, DC 20510-7012

February 3, 2010

Paul Ziemer, Ph.D., Chairman
Advisory Board on Radiation and Worker Health
4676 Columbia Parkway, MS: C-46
Cincinnati, Ohio 45226

Dear Dr. Ziemer:

As someone who helped write the authorizing legislation for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA), I know that this program is not working for our Cold War veterans as Congress intended. I write to you today to urge you to grant those who worked at the Nevada Test Site (NTS) from January 1, 1962 to December 31, 1992 membership in the Special Exposure Cohort (SEC) at your February meeting. NTS workers cannot, and will not, receive the "timely, fair and adequate" compensation and medical benefits they deserve unless they are granted SEC status.

As you know, I helped several NTS workers and survivors submit an SEC petition to the National Institute for Occupational Safety and Health (NIOSH) three years ago, and I have supported and monitored the progress of the petition since then. I was happy to see real progress being made in the last year to address the scientific merits of the NTS SEC petition, and I commend Sanford, Cohen & Associates, NIOSH, and the NTS Work Group for the work they have done to research and consider the technical and scientific concerns related to NIOSH's original denial of the petition.

At their December 15, 2009 meeting, the NTS Work Group voted unanimously to accept as their own recommendation NIOSH's revised position paper recommending that NTS workers employed during the underground testing years be added to the SEC. As you know, NIOSH's revised position paper finds that the internal radiation dose received by employees at the Nevada Test Site from January 1, 1963 through December 31, 1993 cannot be estimated; therefore, these workers fully deserve to be granted SEC status.

I appreciate your addressing an issue that is so critical to Nevada's Cold War Veterans and their families, and I ask that the Board accept the NTS Work Group's recommendation, which is supported by NIOSH and the Board's independent contractor Sanford Cohen & Associates (SC&A), as soon as possible. Further delay in voting to add NTS workers employed during the underground testing years would be a betrayal to these men and women who clearly deserve this compensation.

While the addition of those who worked at NTS during the underground testing years to the SEC will be a tremendous step towards ensuring Nevada's Cold War Veterans are given the

recognition and compensation they deserve, there are several issues I would ask the Board to address *after* you have voted on this recommendation. Following your vote, I ask that the Board begin to deliberate the scientific merits of adding to the SEC certain other workers who do not fall in to the SEC category for either the atmospheric or underground testing years. Specifically, I ask that the Board examine the 250-day rule and the addition of cancers such as, but not limited to, basal cell carcinoma and Chronic Lymphocytic Leukemia (CLL). Again, I ask that the Board address these issues after granting NTS workers employed during the underground testing years membership in the SEC.

Ten years ago, Congress passed EEOICPA in order to help our Cold War veterans avoid years of waiting and bureaucratic nightmares so that they may receive the compensation they deserve. Unfortunately, this has not been the case for many NTS workers, some of whom died while unnecessary bureaucratic delays kept their claims from being approved. I would like to thank you for all the work you have done for EEOICPA claimants over the years, and I sincerely hope you will carefully consider and vote to add workers employed at the NTS during the underground testing years as members of the SEC, as both the science and patriotic duty demand.

Sincerely,



HARRY REID
United States Senator
Nevada

HR:sb

cc: Henry Anderson, M.D.
cc: Josie Beach
cc: Bradley P. Clawson
cc: R. William Field, Ph.D., M.S.
cc: Michael H. Gibson
cc: Mark Griffon
cc: Richard Lemen, Ph.D.
cc: James E. Lockey, M.D., M.S.
cc: James Malcom Melius, M.D., Dr. P.H.
cc: Wanda I. Munn
cc: John W. Poston, Sr.
cc: Robert W. Presley
cc: David B. Richardson, Ph.D.
cc: Genevieve S. Roessler, Ph.D.
cc: Phillip Schofield
cc: Ted Katz, Designated Federal Officer