

# PUBLIC SUBMISSION

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**Docket:** CDC-2011-0003

Guidelines for Determining Probability of Causation under the Energy Employees Occupational Illness Compensation Program Act of 2000; Revision of Guidelines on Non-Radiogenic Cancers

**Comment On:** CDC-2011-0003-0001

Revision of Guidelines on Non-Radiogenic Cancers

**Document:** CDC-2011-0003-0039

Comment on FR Doc # 2011-06329

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## General Comment

Agencies: NIOSH, CDC, DHHS

42 CFR Part 81

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Docket Number: NIOSH-209

I agree with the proposed rule. New research, as provided in the rule proposal, has been developed on the causation link between radiation and Chronic Lymphocytic Leukemia (CLL). The circumstances have changed since 2000 and the automatic rejection of all CLL compensation claims is no longer the best policy. The rule must be changed. The research and expert reviews cited in the proposal may not support a complete determination of causation of radiation on CLL, but it also doesn't rule it out. Under the current rule a lack of determination equals outright rejection. However, this current rule is fallacious. A lack of evidence doesn't prove radiation has no effect on the risk of CLL. It only means no final answer can be given on the causation. More research needs to be done. While that research is being conducted, claimants of CLL should be compensated by the DOL. It is better for the agencies to lean towards the side of the claimants than to withhold compensation, especially since research shows radiation can no longer be completely ruled out as a causal factor. Compensating employees with CLL while further research is conducted is not only the moral thing to do, but it will also have modest effects on the national budget. The NIOSH estimated the total costs of the proposed rule and compensation changes will be

about \$7,000,000 per year. Even if the research supports the earlier conclusions on the link of radiation to CLL, this will not be seen as a large waste for the Federal government. The Department of Energy exposed their employees to radiation, beryllium, and silica. The National Institute of Occupational Safety and Health in connection with the CDC and the Department of Health and Human Services is right in proposing this rule. Cases of CLL need to be reviewed by the Department of Labor and compensation given where it should be.