PUBLIC SUBMISSION

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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

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General Comment

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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
(�LL�). 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.