

## RESPONSE TO WORK GROUP DENIAL OF SEC PETITION FOR ALL WORKERS IN ALL LOCATIONS OF HOOKER CHEMICAL

1. We, the petitioners, do not accept NIOSH's presentation which claims that there was not enough exposure of uranium to cause illness and death.
2. We, the petitioners, do not accept SC&A's participation in this presentation and verdict. We are convinced by the manner in which this was handled, that none of those tasked had their hearts in what they were doing. This is no way to do an independent study. True research would demand that any new research being done would start from scratch and turn a "blind" eye and a "deaf" ear to all that NIOSH (Allen) had done in favor of their own study. Once accomplished, then the two would be compared showing differences and similarities. This was not done, instead SC&A kept saying that they were not told to do this or that. This shows that they simply went through the motions and the Work Group fell in line.
3. We, the petitioners, state that the use of surrogate data has become an "untouchable" in the handling of these companies. NIOSH, SC&A, and the Work Group were so mesmerized by the Advisory Board's regulations pertaining to surrogate data, that they were all going to make some other company or companies suddenly become Hooker Chemical irregardless of those "companies" past history. For example, the use of Mallinckrodt which has the "honor" of being the first company against which a petitioner was granted an SEC and an award.
4. We, the petitioners, do not now, never have, and never will accept "Dose Reconstruction" as a fair and truly understandable method of handling the qualitative data collected by NIOSH. We, the petitioners, were told by NIOSH that the Dept. of Labor uses dose reconstruction and other things to determine payment or denial of the award. However, in the initial phase, here in Western N.Y. the handlers claimed that it was really only the dose reconstruction that determines the outcome. No one really and truly understands this method. It is just a "number game".
5. We, the petitioners, claim that the law, act, executive order, signed by Pres. Clinton has been so frustrated that it has not truly been used as originally designed. Things were to be done in a timely manner. Eleven years into this is not timely. The petitioners were not to be frustrated. This has not been realized. This law came as an executive order to override the Department of Energy's unfairness to the claimants. However, the Dept. of Energy is still such a force in all of this collection of data that NIOSH does. For example, there is a 180 day time limit for NIOSH to respond with their evaluation, but they went over the limit because the Dept. of Energy had not responded with needed data in the Hooker claim. When questioned, a NIOSH employee said that the 180 days was not written in stone. This should have forfeited NIOSH and the claim paid. If the petitioner failed under the timely rules, the case would have been closed. The Advisory Board may want to seriously consider the late Supreme Court Chief Justice Rehnquist's analysis of such a

situation as this. “If you don’t want a law, repeal it, but don’t try at one and the same time to live according to the law and to frustrate the law.”

6. We, the petitioners, question the latest figures published on the internet giving the Hooker statistics of claims paid and denied. If NIOSH’s findings causes this SEC petition to be denied, then how can the 15 cases paid be legal? This petition deals with all locations. Weren’t these 15 in one or more of Hooker’s locations? Would dose reconstruction or surrogate data mean anything? If NIOSH claims that the 0.2% was insufficient to cause illness or death, how did the 15 cases get paid?
7. We, the petitioners, seriously wonder why their response to NIOSH’s evaluation was never acknowledged by the Work Group and was glossed over by SC&A. We have noticed that afterwards TBD was made a standalone and was boxed in. NIOSH even used it to respond to SC&A’s Review (Observation 3 – Matrix – TBD -6001 Appendix AA – page 1) as follows;  
“Since TBD-6001 is no longer used, the observation is not relevant.”  
We, the petitioners, wonder about this because after our response to NIOSH’s Evaluation, TBD – ceased to exist (boxed in) and Battelle disappeared. A coincidence? There are those who say there is no such thing as a coincidence.
8. We, the petitioners, are very disturbed with the treatment received by NIOSH since the May 16, 2011 Work Group meeting. The minutes of this meeting were not made public until the morning of the Work Group’s Aug. 16, 2011 meeting and NIOSH has still not notified the petitioners that they are available. So there was no way for the petitioners to respond to what was covered. Granted, there were legal concerns, but to us, it appears as a “stalling tactic”. To further cause us concern was all of the data that was to be dealt with at the August 16<sup>th</sup> meeting to which the petitioners were not privileged. This resulted in M. Girardo exiting the teleconference after expressing her displeasure. Then, members of the Board, what do you think happened? Yes, NIOSH hurriedly put together all of the material and FED Ex’d it to the petitioners. Now, is this timely?
9. We, as the petitioners, can only further state that this whole handling of Hooker Chemical reeks with suspicion and underhandedness with no true consideration for the petitioners. Case in point, the use of a NIOSH employee as a Federal appointee who runs the Work Group meetings is an example of conflict of interests since the Advisory Board and Work Group are supposed to be neutral. Where are the “checks and balances”? It can only be asked what is really behind all of this – what are NIOSH, SC&A and the Work Group afraid of?
10. We, the petitioners, maintain that Hooker Chemical is the exception to all of these rules and procedures and since there are no official records available from Hooker, itself, then there is no individual monitoring data and no workplace

data and using other companies, such as Mallinkrodt just adds insult to injury and is not scientifically believable when the question remains, if the data for Mallinckrodt was not sufficient to reconstruct dose, how can it be sufficient to reconstruct dose for Hooker?

Thank you for your time.

M. R. Girardo for the petitioners.

Submitted to Advisory Board Meeting on August 24, 2011