



## **NIOSH Dose Reconstruction Project Introductory Meeting on Development of Site Profile for Energy Technology Engineering Center (ETEC)**

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### **Meeting Date:**

January 19, 2006, 4:00 p.m.

### **Meeting with:**

United Auto Workers Local 1519 Executive Board, Santa Susana, California

### **Attendees:**

<b>Name</b>	<b>Organization</b>
Linda Hays	UAW Local 1519
Alice Acuña	UAW Local 1519
Lupe Anguiano	UAW Local 1519
Silvio Paschia	UAW Local 1519
Angelo T. Gizis	UAW Local 1519

### **NIOSH/ORAU Team:**

Mark Rolfes, National Institute for Occupational Safety and Health (NIOSH), Office of Compensation, Analysis and Support (OCAS)

Melton “Mel” Chew, M. H. Chew and Associates, Site Profile Team Leader

Steve Meiners, Tricord, Inc.

Mark Lewis, Advanced Technologies and Laboratories International, Inc. (ATL)

Mary Elliott, ATL

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### **Proceedings:**

Mark Lewis opened the discussion at approximately 4:00 p.m. by thanking the Executive Board for inviting the Worker Outreach Team to join their meeting. Mr. Lewis described his labor background and his career at the Portsmouth Gaseous Diffusion Plant in Ohio. These experiences led to his present position as the Union Outreach Specialist on the NIOSH Dose Reconstruction Project, working with labor organizations representing workers and former workers in the nuclear weapons industry to gather information for Site Profile documents. Since most of the Site Profile information is gathered from records of the Department of Energy (DOE) and its contractors, worker outreach is important to give the workers the opportunity to tell “the rest of the story” – sharing their experiences regarding daily operations, personal protective equipment, safety programs, and dosimetry practices in the workplace.

Mr. Lewis introduced the Team and explained that a recording was being made to ensure that the minutes would accurately reflect the matters that are raised during the meeting. A sign-in sheet was circulated and Mr. Lewis explained that the names will appear in the minutes, which will be posted on the OCAS website after a review period.

Mr. Lewis stated that the ETEC Site Profile will soon be complete, at which time it will be posted on the National Institute for Occupational Safety and Health (NIOSH) web site:



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<http://www.cdc.gov/niosh/ocas/ocastbds.html#etec>. Some of the comments made during this meeting may not be included in the first edition, but the Site Profile is a “living document,” which means that any new information brought forth could be considered for a future revision. With each new revision, claims that have been previously rejected may be reopened and reevaluated if the new information could impact the outcome of the dose reconstructions. Mr. Lewis turned the discussion over to Steve Meiners.

Steve Meiners stated that the Worker Outreach Team was present to ask for worker input for the Site Profile. The Site Profile Team collects a great deal of information from sources such as DOE and contractor records to write this document, but it may be lacking some of the historical details that workers can provide, such as daily work and safety practices, and how the dosimetry programs were actually implemented in the workplace. Getting these details during the development of the site profile can help to make it a more accurate instrument for dose reconstructions

The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was passed by Congress to compensate workers from the nuclear weapons industry who became ill as a result of occupational exposure to radiation or toxic chemicals. Claims are submitted through the Department of Labor (DOL), which processes EEOICPA claims under two Subtitles of the Act. After verifying the claimant’s employment and medical diagnosis, DOL forwards the Subtitle B claims for radiation-induced cancer to NIOSH. If the claim is approved (the radiation dose reconstruction shows that the probability of the cancer being radiation-related is greater than 50%), the claimant may receive \$150,000 and medical expenses for treatment of that cancer from the date the claim is filed. Subtitle B claims may also be filed for berylliosis and silicosis, but the DOL does not forward those claims to NIOSH. DOL handles all claims for Subtitle E cases for exposure to toxic chemicals. A claimant may be eligible to file claims under both Subtitles.

**Comment:**

Employees crossed back and forth between the ETEC and Rocketdyne sites, but the majority of the people here worked on the Rocketdyne site. *(To the other Board Members)* The team is primarily concerned with the work done at ETEC from the 1950s to the early 1970s.

**Comment:**

We were given badges, but they always told us that we never had any high exposures like what was showing on our badges.

Steve Meiners continued: In the EEOICPA claims process, all of a claimant’s potential radiation exposures are considered in the dose reconstruction. This includes internal and external exposures, as well as the potential radiation exposure from the background (the work environment) and any medical radiation exposures – such as chest X-rays – that may have been required as a condition of employment.



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### **Comment:**

The company is supposed to keep a record – years back I used to request to see them. But we were supposed to believe what the company told us, we didn't have anyone from the union checking them. How do we know if what they put on the record is the truth or not?

A discussion ensued regarding how employees may not always observe correct dosimetry practices and how that may affect radiation badge readings. Attendees expressed their concern that this could cause problems in effectively calculating radiation exposures.

### ***Steve Meiners:***

In the dose reconstruction process, allowances are made for those kinds of events. If you tell us that you forget to wear your badge two days a year, then that is factored into your dose reconstruction. There is a formula to estimate "missing dose." What we're asking from you is to fill in the blanks – documents would be great, or maybe it's just a brainstorming thing where you write down things you remember, like "this event happened in this year," or "this happened in this building," or "the procedure said do this, but here's what really happened." All that information will help us better understand the site operations. That's a quick overview of what is in the presentation in the handout before you. Any time you have questions, there are several ways you can get information: web sites, toll-free telephone numbers, e-mail addresses. There are several ways for you to get information to NIOSH, too. They are in the handout as well. I am going to turn this over to Mel Chew, who is the Site Profile Team Leader.

### ***Mel Chew:***

Thank you very much for coming. I knew a little bit about ETEC – and Atomics International back in the 1940s – before we were given the assignment to put the most information into a document in a very timely manner. Our team came down here in early November to begin going through the records.

### **Question:**

Did you get to chance to look at all the film badges? The union never checked these readings. We went by what the company told us. They said the readings were alright every time we asked.

### ***Mel Chew:***

To answer your question, I did not look at specific films that were developed. The majority of film dosimetry was done by a company that Boeing hired – Landauer.

### ***Response:***

Before Boeing, Rockwell owned the company.

### ***Mel Chew:***

Rockwell did the same thing. Over time, the badges lose their darkness and are difficult to read. We look at the information that was recorded when the badges were read. When we are writing the document, we do not focus on any individual's information, but the overall potential exposures. The information for an individual comes along with the claim. The team is interested in making sure that workers were badged, how often the badges were exchanged, who was required to wear them and whether the correct badges were worn for the events in the workplace. We also look to see whether there were bioassay programs in place to monitor potential internal



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exposure. We do not look at your individual films, but how the film was developed, how it was worn – the process itself. That is important because it helps us understand what potential exposures may have been missed, which is what Steve was saying.

### ***Mark Rolfes:***

The information that the Site Profile Team is looking for will help to fill in some of the gaps when you are routinely being monitored and receiving 10 millirems per day. . . We will use that kind of information when we are doing a dose reconstruction.

### **Comment:**

I'm a Maintenance Mechanic. I used to have to get suited up to go into the "hot" areas. But where she works, the work groups are allowed so much radiation per day. What is the dose you could get and then they would replace you? You could get so much in a week's time and then they would pull you off the job. But how much would I have gotten while I was in there?

### ***Response (from another attendee):***

To actually read this badge, these are – I guess what you would call a slow response – they don't get the information back in a timely manner. We had pocket chambers so we could get a more immediate reading. They also have some idea of the radiation in an area before we even go in. I don't see there being an issue (with the monitoring practices). I have forgotten to take my badge off my clothing and washed it, and the hygienist told me that didn't hurt it. And because I'm a mechanic, and not a hygienist, I typically take them at their word. I've been there twenty-seven years and I have seen workers leave their badges in the "hot spots" so the readings will come back high and they will be moved to another area because they are "hot." I don't think that the company purposely misreads my badge so they can misrepresent the records.

### ***Response (Commenter):***

But we don't have anyone from the union double-checking the results. You believe what the company tells us?

### ***Response (another attendee):***

Yes, and even now, because we aren't Health Physicists, if they tell us the area is "hot"... Now, most of the areas where we work have such low levels that there is not really an issue. We did have the pocket dosimeters where you could actually read them on a regular basis. The readings on those very seldom changed.

### ***Mel Chew:***

Let me try to address your concern, sir. The company is required to give you that information. Some unions even hire health physicists as consultants to make sure that the dosimetry records are passed on and documented correctly. Whether that did or did not happen here is a separate issue.

### ***Response (another attendee):***

If you come to me – because I am not a health physicist – I'm not going to tell you that your report means this, this and this. I still have to go to a health physicist and he is going to tell me how to interpret your report.



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***Steve Meiners:***

If you file a claim, all of your personal radiation records will be gathered together and reviewed by the dose reconstructors. I perceive that you have a concern that what you were told is true and accurate. The people who will perform your dose reconstruction will evaluate the actual data, not the company's report about it.

***Response (Commenter):***

My concern is regarding another story. UCLA (University of California at Los Angeles) was doing a study and told us that the company would not release some of the records. Is that true?

***Response (another attendee):***

UCLA was doing an epidemiologic study. I can see where there may have been some issues with the company releasing our personal data to UCLA. But the company must release your records if you ask for them.

***Response (Commenter):***

I'm talking general now – I'm not talking about me – UCLA said that some of the records were lost. Is that true or not? You were involved.

***Response (another attendee):***

We're talking about a long time ago, and it wasn't the radiation records that were lost. But there were some records that were destroyed, and they said that some deranged employee came in and destroyed all the records. I had the understanding that these were not medical records. Those have to be saved for thirty years after you retire. After you retire, you have the right to go back and ask to look at those records.

***Steve Meiners:***

During the dose reconstruction, there will always be an assumption made in the claimant's favor if data is missing. Co-worker data is sometimes used to fill in missing data. If there is any doubt during the process at all, a "maximum allowable" dose is assumed.

***Response (Commenter):***

The company brought in "top guns" from New York and Massachusetts, do you remember?

***Response (another attendee):***

Yes, they brought them in to look for particular records, but not radiation records.

***Mel Chew:***

I'd like to pick up where I left off. In a couple weeks, the Site Description section of the Site Profile will be released. This part of the document is usually not much more than twenty or thirty pages. ETEC is a very complex, fascinating site and its Site Description is fifty-two pages. I would like to encourage you to take a look at it when it becomes available. Where you can really help us is by telling us about programs that are not included or significant incidents that you are aware of that are not mentioned. Those kinds of information are very valuable to make the Site Profile a comprehensive, accurate document. If you have time, certainly try to look at the Site Description. You will read what a great history you have been part of and you will also find yourself in there because we hope that all of the programs were mentioned. There is a list of



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programs by Building, what radioisotopes and how much of them were located in a particular building – there are several pages of that kind information.

**Question:**

Did you cover other programs, such as coal gasification and solar, or strictly the radiation? They were all DOE programs.

**Mel Chew:**

Most of those programs were non-radiological, but if they used radioactive materials for, say, a tracer, then that would be mentioned. I was involved with some of those studies at the laboratory where I worked and we used radioactive materials as part of the studies because they act as very good tracers.

**Question:**

So you didn't have anything to do with the Rocketdyne site – we're only talking about ETEC and Area IV?

**Mel Chew:**

Facilities at Canoga Park, Downey, De Soto and Area IV are all included. We recognize that some badged workers worked on the ETEC side, but the next day – or even the same afternoon – could have been working on the Rocketdyne side. There were potential radiation exposures from the Rocketdyne side. Some of the radiographers carried their badges back and forth. That is included in this particular Site Profile.

**Comment:**

The residents of the area were awarded thirty million dollars in a lawsuit against Boeing. We work inside the plant, are we all one hundred percent alright? That award doesn't even consider Boeing workers.

**Mark Lewis:**

That is the purpose of this law – to compensate the workers from the nuclear weapons industry who have become sick as a result radiation or chemical exposure during their employment.

**Comment:**

I don't know if people will want to speak up. People may be afraid of company retaliation... that Boeing may say, "You're just a troublemaker"... that kind of thing. Does an employee have any type of protection that the company can't get rid of them?

**Mark Lewis:**

Do you mean for the present employees? (*The Commenter responded positively.*) Are you saying that fear of losing your job could inhibit you from speaking?

**Response:**

The company is downsizing right now, heads are rolling.

**Mel Chew:**

No one from the company is here with us. We hope that we can create an environment in which you will feel comfortable to speak freely. None of your comments will be identified by name here today. I can understand clearly why you would be concerned about word getting back to the



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company, but I think that the arrangement here is clearly to protect you as much as possible. That is why no one from Boeing was invited to this meeting.

***Mark Lewis:***

That is exactly right. I am the union liaison for this program. I try to make this the best atmosphere that can be brought forth. If you are afraid to talk about classified issues for security reasons, arrangements can be made for a secure interview in an area where you can talk to someone with a security clearance. If you are afraid of losing your job because the company could label you a “troublemaker,” your retired workers are a valuable way to bring forth information.

**Comment:**

That is a good point. Most of the people who worked here when the nuclear programs covered by this law were operating have retired. If they haven’t retired yet, they have enough seniority that they don’t have to worry about losing their jobs. For these people, it may be more of a personal thing.

**Comment:**

Regarding the UCLA survey that was mentioned earlier, one thing that bothered the employees was that that survey was strictly based on the workers who had passed away. It wasn’t based on the physical health of the workers who were on the site at the time of the survey.

***Steve Meiners:***

In this program, each individual who makes a claim has an individual dose reconstruction. The same results are not globally applied to all claimants. Each individual is evaluated.

**Question:**

There are probably eight or ten people that had a really high dose rate. Do you look at those particular people in general? How do you address those people?

***Mark Lewis:***

Unless they have filed a claim, you wouldn’t be looking at them. Would you, Mel?

***Mel Chew:***

That is correct. We would not be aware of those particular exposures unless claims have been filed. We do know the processes, though. Boeing is required to allow NIOSH access to the exposure records, so we would look at the values to make sure they are correct based on the information that we have.

***Response:***

The problem with that is that most of these people who have had the high exposures are not ill.

***Mel Chew:***

And that is a positive thing, isn’t it?

**Question:**

What if they become ill later?



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**Mark Lewis:**

Each person responds differently to radiation exposure.

**Comment:**

I have posed this same question before. I asked if a small exposure over a short period of time could be harmful and the answer was that it was possible. We talk long-term, but that is not always necessarily the case.

**Mark Lewis:**

This is why it is important for the Site Profile Team to be aware of any accidents or incidents that may have happened.

**Question:**

Didn't we just have one recently? A worker got a high dose of something and they made him take his clothes off right there.

**Response (another attendee):**

It really wasn't that high of a dose.

**Mel Chew:**

There is a difference between being contaminated and actually getting a dose. That is why you wear protective clothing – you can have contamination on your clothing or even on your skin, and it doesn't necessarily mean that you're going to have a real exposure. The real exposures come when you either inhale or ingest some of the material. That is why when you remove the clothing, you have to be very careful that the contaminants do not become airborne.

**Response:**

That's what I'm saying. He was working there, breathing it. He didn't know he was inhaling it until they metered it. That is exactly what I'm saying.

**Mel Chew:**

If he did potentially inhale or ingest the contaminant, and they knew he was involved in an incident, they would probably follow up with a bioassay, either lung counting or a urine sample. Depending on the metabolism of the radioisotope, it would show up. They probably have a fairly good record of that. Your body is one of the best indicators.

**Response (another attendee):**

If he really is concerned about that, he can be scheduled for a bioassay when they are done again. The company does them every six months. He can be put on the list.

**Response:**

I think maybe he doesn't realize that he could ask for this.

**Steve Meiners:**

One of the things that I have heard people talk about is long term effects (of radiation) versus short term. It can take a relatively long time for some of these cancers to show up. We want you to be aware that this program is ongoing. If you become ill in the future, you are still eligible to file a claim.



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### **Comment:**

That was something I was going to ask about because I know that this program has been around for several years. We do have one member that I know has filed and actually received compensation for his illness. It seems to me that having the Site Profile will actually speed up the process. The President of our Retirees' group asked me what these meetings were about, and I told him that I believed it was about this compensation program – getting information out there so eligible people can file claims. I was aware that radiation and beryllium are covered under the law, but I was not sure about asbestos.

### **Mark Rolfes:**

NIOSH evaluates only the Subtitle B claims for radiation-induced cancer. DOL receives claims for berylliosis and silicosis under Subtitle B, and claims for chemical exposure under Subtitle E, as well as evaluating radiation claims for chemical exposure. NIOSH does not work with any of these claims, and only performs dose reconstructions for the cancer claims under Subtitle B. It is possible for a claimant to be awarded compensation under both Subtitles: \$150,000 for Subtitle B and up to \$250,000 for Subtitle E, and medical expenses for existing conditions from the time the claims are filed.

### **Question:**

Can you repeat that please?

### **Mark Rolfes:**

To receive \$150,000 compensation under Subtitle B, a claimant's radiation dose reconstruction must show that enough exposure occurred for the probability of causation to be greater than fifty percent – that is, the likelihood that radiation is “at least as likely as not” to have caused the cancer. Compensation for chemical exposure under Subtitle E can be up to \$250,000, which includes compensation for lost work time. In addition to compensation, medical expenses for the claimant's illnesses are covered under both Subtitles. Subtitle E claims are administered solely by DOL. NIOSH does not do a dose reconstruction for these chemical claims.

### **Question:**

If the claimant goes to another area for testing, is that time compensated?

### **Mark Rolfes:**

Do you mean for medical treatment? Yes, that is covered. I'm not certain what exactly is covered under medical expenses.

### **Mark Lewis:**

Some associated expenses are included in the medical expenses, such as gasoline and parking.

### **Question:**

Does that include chemical exposure? What time period is covered for these illnesses? Can a claim be filed under Subtitle E for past medical conditions resulting from chemical exposure – before the law came into effect?



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**Mark Rolfes:**

Subtitle E is for illness from chemical exposure. Workers from eligible DOE sites that were part of the nuclear weapons programs can file Subtitle E claims for previous medical conditions in the same manner that they can file for previous illnesses under Subtitle B.

**Response (from another attendee):**

Are we only talking about the DOE contracts now? They worked for DOD (Department of Defense) and NASA (National Aeronautics and Space Administration). Workers under those contracts are not eligible, are they?

**Mark Lewis:**

No, those workers are not eligible. Contracts under other government agencies are not included. I think that it is very important to say here that survivors of former workers can apply for compensation under this program, including spouses, children and grandchildren.

**Question:**

I have a friend that became ill after being exposed to chemicals on the job. She worked at another plant. Is she eligible for compensation under this law?

**Steve Meiners:**

Were they connected with the energy program in some way?

**Response:**

I think they did some work for power plants. She was exposed to MEK (methylketone).

**Steve Meiners:**

What facility was this?

**Response:**

It was at (sounds like Phenolin) Electronics in Chatsworth. I'm just asking, "If there's a new law, would it cover past illnesses?"

**Steve Meiners:**

This law (EEOICPA) covers employees of the ETEC facilities from the beginning of operations but it is only for energy employees.

**Mark Lewis:**

... From atomic weapons programs under DOE.

**Response:**

They built cable for the Minuteman missiles. Would that be involved?

**Mark Lewis:**

That would probably be under a DOD contract. Those workers are not covered under this compensation program.

**Mark Rolfes:**

I don't want to mislead anyone here. I just wanted to make you aware of the chemical exposures aspect of this program. We are here to get information about radiation exposures. What facilities



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are covered under this law is determined by the Department of Labor. We receive the information from the DOL and we complete the dose reconstructions for them.

**Response:**

So we should call them?

**Mark Lewis:**

You can call the Energy Employees Resource Center. The number is in the folder you have there. They can tell you if the site is covered.

**Comment:**

Part of our concern is that we have to go through the DOL to be compensated for illness. The residents of Simi Valley and this area are able to get money from a different area.

**Response (from another attendee):**

That's Boeing, though.

**Mark Lewis:**

That's right. EEOICPA is a federal program compensating energy employees nationwide.

**Comment:**

Maybe people won't be afraid to file if they understand the program is not associated with Boeing.

**Comment:**

We will make sure that we get a lot of people to come to the meeting when you come back for the next meeting. They need to know – especially workers from the ETEC side.

**Comment:**

I think this is very important. We will make sure to get the word out for the next meeting.

The Team exchanged information with the Board Members regarding future meeting arrangements. Mr. Lewis concluded the meeting at approximately 4:45 p.m. by thanking the union representatives for meeting with the ORAU Team.