

ROCKY FLATS STEWARDSHIP COUNCIL

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League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

February 5, 2007

Mr. Paul L. Ziemer, Ph.D., Chairman
Advisory Board on Radiation and Worker Health
920 Southview Drive North
Lafayette, IN 47909

Dear Dr. Ziemer,

The Board of Directors of the Rocky Flats Stewardship Council is extremely concerned about ongoing delays former Rocky Flats workers have encountered in achieving just compensation under the Energy Employees Occupational Illness Compensation Program Act (EEOIPCA). The EEOIPCA is critical to ensuring that workers who have suffered as a result of exposures to radioactive and hazardous materials while working at Rocky Flats would be compensated for their illnesses.

Like our predecessor organization, the Rocky Flats Coalition of Local Governments, who supported the EEOIPCA and was concerned about bureaucratic delays that beset the program, we are concerned about the ongoing delays in providing compensation to those former workers who fall under the protections provided in the EEOIPCA. That is one of the reasons why the Rocky Flats Coalition supported special cohort status for these former workers, including legislative efforts to define the workers as a special cohort class. We too support this important designation.

Our Congressional leaders have informed us that the Advisory Board on Radiation Health continues to grapple with how to account for the critical fact that records affecting numerous former Rocky Flats workers are missing or are otherwise unreliable. We further understand that in part based on concerns our representatives raised that the Advisory Board delayed resolution of the Rocky Flats workers' petition until at least May 2007, if not longer. While we support our legislators' decision to request a delay, we are concerned about the effect of ongoing delays on our constituents – the workers and their families.

Clearly, with records missing and with ongoing concerns about data reliability it will be hard for many workers to quantitatively prove that their cancers are a direct result of their years working

at Rocky Flats. That is one of the central reasons why the EEOIPCA shifted the burden of proof – so that workers would not need to prove a connection based upon data that was not in their control and otherwise unreliable. The inability of the federal government and its contractors to maintain reliable data undermines the integrity of the process. The cost of these problems should not be borne by the workers.

Therefore, consistent with the positions being advocated by our federal representatives, we strongly recommend that until you resolve these issues regarding missing records and data reliability that you do not deny the Rocky Flats workers' special cohort petition. We also strongly request that should the Advisory Board not be able to resolve these questions then at your May 2007 meeting you approve the workers' petition.

Sincerely,



Lori Cox
Chairman

Cc: Senator Wayne Allard
Senator Ken Salazar
Representative Mark Udall
Representative Ed Perlmutter
Michael Owen, DOE