



**FEB 12 2020**

Dr. Steven Markowitz  
Chair  
Advisory Board on Toxic Substances  
and Worker Health  
Queens College, Remsen Hall  
65-30 Kissena Boulevard  
Flushing, NY 11367

Dear Dr. Markowitz:

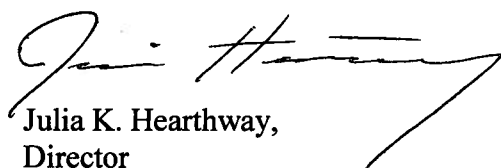
I am writing in follow-up to Deputy Secretary Patrick Pizzella's letter dated December 30, 2019, related to the Energy Employees Occupational Illness Compensation Program Act and the most recent amendments that were enacted as part of the National Defense Authorization Act of 2020. In that letter, Deputy Secretary Pizzella advised that the Office of Workers' Compensation Programs might be providing the Advisory Board on Toxic Substances and Worker Health with directives in the future regarding specific topics for review.

Moving forward in 2020, we would like to utilize the Board in the most effective manner, drawing on the collective expertise of your members. OWCP has conducted a review of its existing policies and practices related to the areas the statute tasks the Board with reviewing and identified specific topics about which the Board could provide very useful information. As such, I am directing you to provide advice on three issues identified in the enclosed attachment. As previously addressed, I expect that the Board's recommendations in these three areas will include detailed rationales and explanations, along with all supporting scientific research. Thereafter, in accordance with the statute, OWCP will fully respond to all recommendations.

We appreciate the important work of the Board on behalf of the communities we serve and look forward to an ongoing cooperative relationship in the coming years. Please share this letter with your fellow Board members and direct any questions to me through Michael Chance at (202) 693-0046 or [Chance.Michael@dol.gov](mailto:Chance.Michael@dol.gov).

Thank you for your cooperation.

Sincerely,

  
Julia K. Hearthway,  
Director

Attachments

## Attachment 1 – Issues for Review and Advice from the Board

1. As the Board is aware, DOL staff utilize the Site Exposure Matrices (SEM) in the development of a claim for benefits under Part E of the Employees Occupational Illness Compensation Program Act (EEOICPA). The claims staff review the SEM to identify possible toxic substances to which a claimant may have been exposed and any possible health effects (known relationship between disease and occupational exposure to toxic substances). If the claims staff identify known toxic substances and associated health effects, they are then able to send the case to an industrial hygienist to determine the extent of exposure, and thereafter to a physician to determine whether the claimant's specific exposure was a significant factor in causing, contributing to or aggravating the claimed condition. In populating health effect data in the SEM, DOL relies, in part, on information from the International Agency for Research on Cancer (IARC). IARC is an international organization that assembles subject matter experts to identify the causes of cancer so that preventive measures may be adopted to reduce suffering.

Presently, SEM health effect data includes IARC's Group 1 category of known human carcinogens. For inclusion in Group 1, IARC has determined there is both strong evidence in exposed humans that the agent exhibits key characteristics of carcinogens and sufficient evidence of carcinogenicity in experimental animals. DOL applies Group 1 carcinogens in SEM, as inclusion in the category represents the highest confidence threshold for the identified agents to have the potential to cause cancer in humans. IARC, however, has other lower-confidence thresholds for carcinogenicity.

IARC also reports on a Group 2A listing, which classifies agents that are *probably carcinogenic to humans*. IARC generally applies this categorization when its Working Group has made two of the following evaluations, including at least one that involves either exposed humans or human cell tissues:

- Limited evidence of carcinogenicity in humans
- Sufficient evidence of carcinogenicity in experimental animals
- Strong evidence that the agent exhibits key characteristics of carcinogens

DOL has not applied Group 2A toxic substances to SEM, because the confidence of carcinogenicity is not as significant as those substances listed in Group 1. Group 2A currently lists 83 agents that are carcinogenic, only some of which IARC has indicated are associated with specific types of cancers. DOL Certified Industrial Hygienists and its SEM contractor evaluated the listing of 83 agents and screened the list for those agents listed in Group 2A that also appear in SEM as being associated with Department of Energy (DOE) facilities. DOL seeks the Board's input on whether or not there is sufficient medical health science rationale for DOL to apply Group 2A agents that identify a specific type of cancer as viable health effects for the purposes of claim adjudication. Attachment 2 contains that list of 11 cancers and associated toxic substances. DOL requests that the Board focus its efforts on the evaluation of these agents and advise OWCP regarding whether it would be appropriate to accept these agents as having viable health effects to the identified cancers, sufficient for OWCP to

assume that in general, the toxic substance aggravates or contributes to the specific cancer. For those health effects the Board identifies, OWCP could move to the next steps of development and obtain claimant-specific exposure information and an opinion from a physician. If the Board agrees to any specific guidance, the Board should provide its formal recommendation and supporting rationale to DOL. Depending on the Board's response to this request, DOL may have additional IARC-related analysis requests in the future.

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2. Physicians treating EEOICPA claimants are often hesitant to provide the Energy program with responses to development letters. To address this concern, OWCP requests that the Board provide OWCP with methodologies for improving physician responsiveness to information requests. This could include the Board's review of OWCP's development letters, outreach efforts, and other provider communications. Under separate cover, OWCP will provide the Board with examples of letters to physicians that have gone unanswered, forcing OWCP to either deny the case or refer the case to a Contract Medical Consultant. In addition, OWCP will provide a schedule and type of provider outreach that is being conducted.
3. For acceptance of chronic silicosis claims under Part B of the EEOICPA, one of the requirements is that the condition be confirmed by a certified B-reader. Over the years, OWCP has seen variations on how B-readers are certified and how their certification is documented on test results. OWCP requests that the Board provide input on the certification requirements for B-readers and guidance on how claims staff can verify test results that originate from a qualified B-reader.

**Attachment 2 – IARC Group2a – Toxins by Cancer Site – Not in SEM**

<b>IARC Name of Substance</b>	<b>Organ Site - from Cancer Epidemiology and Prevention, 4th edition, Oxford University Press: New York, New York, 2018.</b>
4-Chloro-ortho-toluidine	Bladder
Bitumens, occupational exposure to oxidized bitumens and their emissions during roofing	Lung
Creosotes	Skin
Diazinon	Lymphoma, Lung
Dichloromethane (Methylene chloride)	Biliary Track, Lymphoma
Glyphosate	Lymphoma
Lead compounds, inorganic. Examples: Lead fluoride (7783-46-2), Lead II chloride (7758-95-4), Lead II nitrate (10099-74-8), Lead IV oxide	Lung, Stomach
Malathion	Lymphoma, Prostate
Non-arsenical insecticides (occupational exposures in spraying and application of). Examples: Carbaryl (63-25-2), Cypermethrin (52315-07-8), Methomyl (16752-77-5), Terbufos (13071-79-9)	Leukemia
Silicon carbide whiskers	Lung
Tetrachloroethylene (Perchloroethylene)	Liver, Lymphoma