

108TH CONGRESS
2D SESSION

S. 2047

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the compensation program established by that Act.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2004

Mr. BOND introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the compensation program established by that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds that—

5 (1) energy workers at the former Mallinkrodt
6 facilities (including the St. Louis downtown facility,
7 the Weldon Springs facility, and the Hematite facil-

1 ity) were exposed to levels of radionuclides and ra-
2 dioactive materials that were much greater than the
3 current maximum allowable Federal standards;

4 (2) the Mallinkrodt workers at the St. Louis
5 site were exposed to excessive levels of airborne ura-
6 nium dust relative to the standards in effect during
7 the time, and many workers were exposed to 200
8 times the preferred levels of exposure;

9 (3)(A) the chief safety officer for the Atomic
10 Energy Commission during the Mallinkrodt-St.
11 Louis operations described the facility as 1 of the 2
12 worst plants with respect to worker exposures;

13 (B) workers were excreting in excess of a milli-
14 gram of uranium per day causing kidney damage;
15 and

16 (C) a recent epidemiological study found excess
17 levels of nephritis and kidney cancer from inhalation
18 of uranium dusts;

19 (4) the Department of Energy has admitted
20 that those workers were subjected to risks and had
21 their health endangered as a result of working with
22 these highly radioactive materials;

23 (5) the Department of Energy reported that
24 workers at the Weldon Springs feed materials plant

1 handled plutonium and recycled uranium, which are
2 highly radioactive;

3 (6) the National Institute of Occupational Safe-
4 ty and Health admits that—

5 (A) the operations at the St. Louis down-
6 town site consisted of intense periods of proc-
7 essing extremely high levels of radionuclides;
8 and

9 (B) the Institute has virtually no personal
10 monitoring data for workers prior to 1948;

11 (7) the National Institute of Occupational Safe-
12 ty and Health has informed claimants and their sur-
13 vivors at those 3 sites that if they are not inter-
14 viewed as a part of the dose reconstruction process,
15 it—

16 (A) would hinder the ability of the Insti-
17 tute to conduct dose reconstruction for the
18 claimant; and

19 (B) may result in a dose reconstruction
20 that incompletely or inaccurately estimates the
21 radiation dose to which the energy employee
22 named in the claim had been exposed;

23 (8) the Department of Health and Human
24 Services published the first notice of proposed rule-
25 making concerning the Special Exposure Cohort on

1 June 25, 2002, and as of January 27, 2004, the
2 rule has yet to be finalized; and

3 (9) many of those former workers have died
4 while waiting for the proposed rule to be finalized,
5 including some claimants who were waiting for dose
6 reconstruction to be completed.

7 **SEC. 2. DEFINITION OF MEMBER OF THE SPECIAL EXPO-**
8 **SURE COHORT.**

9 Section 3621(14) of the Energy Employees Occupa-
10 tional Illness Compensation Program Act of 2000 (42
11 U.S.C. 7384(14)) is amended—

12 (1) by redesignating subparagraph (C) as sub-
13 paragraph (D); and

14 (2) by inserting after subparagraph (B) the fol-
15 lowing:

16 “(C) The employee was so employed for a
17 number of work days aggregating at least 45
18 workdays at a facility operated under contract
19 to the Department of Energy by Mallinkrodt
20 Incorporated or its successors (including the St.
21 Louis downtown or ‘Destrahan’ facility during
22 any of calendar years 1942 through 1958, the
23 Weldon Springs feed materials plant facility
24 during any of calendar years 1958 through
25 1966, and the Hematite facility during any of

1 calendar years 1958 through 1969), and during
2 the employment—

3 “(i)(I) was monitored through the use
4 of dosimetry badges for exposure at the
5 plant of the external parts of an employ-
6 ee’s body to radiation; or

7 “(II) was monitored through the use
8 of bioassays, in vivo monitoring, or breath
9 samples for exposure at the plant to inter-
10 nal radiation; or

11 “(ii) worked in a job that had expo-
12 sures comparable to a job that is mon-
13 itored, or should have been monitored,
14 under standards of the Department of En-
15 ergy in effect on the date of enactment of
16 this subparagraph through the use of do-
17 simetry badges for monitoring external ra-
18 diation exposures, or bioassays, in vivo
19 monitoring, or breath samples for internal
20 radiation exposures, at a facility.”.

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