

UNITED STATES DEPARTMENT OF LABOR

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ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER
HEALTH

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SUBCOMMITTEE ON THE SITE EXPOSURE MATRICES (AREA #1)

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SUMMARY MINUTES

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FRIDAY,
JANUARY 6, 2017

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The Subcommittee met telephonically at 1:00 p.m. Eastern
Time, Laura S. Welch, Chair, presiding.

MEMBERS

SCIENTIFIC COMMUNITY:

JOHN M. DEMENT

MEDICAL COMMUNITY:

LAURA S. WELCH, Chair

CLAIMANT COMMUNITY:

KIRK D. DOMINA
GARRY M. WHITLEY

OTHER ADVISORY BOARD MEMBERS PRESENT

FAYE VLIEGER

DESIGNATED FEDERAL OFFICIAL:

CARRIE RHOADS

Introductions and improvement of the OHQ in collaboration with DEEOIC

Ms. Rhoads opened the meeting at 1:05 p.m. Chair Welch and all of the committee members had an opportunity to look at the new draft occupational health questionnaire (OHQ) from the agency. Member Dement said that the new draft may not actually be an improvement, as it does not ask about specific exposures and may not stimulate much precise recall from workers or from those who administer the interviews. It would be a good idea to insert something about specific job tasks in the OHQ. A list of tasks and materials can help a worker recall their work and to what they may have been exposed. The questionnaire is never going to be perfect, but the committee needs to think about how the OHQ is integrated into the entire process of claims adjudication. Member Domina suggested an "and/or" option in the OHQ on the question of construction/production in terms of where a worker worked. Some workers fall into multiple categories. The committee members agreed that the new draft questionnaire is not an improvement.

Mr. Vance said that the agency is trying to collect information. The OHQ is used as a complementary data point and is correlated to other sources of information. The team working on the OHQ is open to getting specific recommendations. Many times the people filling out the OHQ are not workers but survivors and may lack detailed knowledge about exposure to substances/tasks.

Chair Welch will send a summary of suggestions to committee members. From these suggestions, a set of specific recommendations to the agency will arise. The agency welcomes feedback on how it weighs information. Having a set of presumptions would also help move claims toward a positive outcome more quickly than changing policies and procedures.

Member Dement said that the OHQ doesn't seem to be given much weight. The industrial hygienists (IHs) need to be involved earlier in the process, and the Site Exposure Matrices (SEMs) cannot be the only tool used to evaluate claims. The contract medical consultants (CMCs) and IHs have their hands tied by the SEM. The IHs and CMCs need to have access to all of the information. Member Domina suggested that site-specific physicals for workers be passed on. Some of the OHQs contain the physicals.

Review of COPD cases from DEEOIC, and the COPD presumption

Member Dement said that the presumption for asbestos-linked COPD is basically a threshold. Member Welch suggested recommending a process for fixing that. COPD is not related just to asbestos or silica; it is related to the cumulative exposures that workers have. This issue needs to be addressed in a meaningful way. Some of the exposures were

of a relatively short duration, sometimes just a year. There needs to be consistent criteria that the CMCs can apply across cases. For example, some CMCs would say things like, "since the COPD didn't manifest right away in a claimant, then their COPD was not related to their work." It's a big burden on the claimants to get another medical opinion to explain why the CMCs were wrong about their COPD. Chair Welch said that she would ask Dr. Markowitz how specific the committee's recommendations for improving the criteria need to be.

Recommendations for a model for exposure assessment at sites without the SEM

Mr. Vance said that it is a challenge to get data for trade workers who moved between sites. The situation at Grand Junction, with regard to the mines and the mills, is complicated. The contractor (Paragon) compiles data in the SEM based on chemical and biological toxins that are recorded on primary source documentation from the site or from DOE. DOL has no employment records about what was going on at the site and no exposure data from the site. The fundamental difficulty is the lack of records.

Chair Welch suggested that the IHs look at all of the exposure data early on in the process when evaluating cases that involve sites without a SEM. Also, the claimants could be instructed about what they need to provide to the agency to have a better chance of having a successful claim. The question arose as to what criteria the agency should use in evaluating and weighing affidavits. Perhaps the committee could give input on what criteria to use.

Recommendations for a model for exposure assessment

The committee discussed the sources for causation links recommended by the IOM and may not need to make many additions to the list of 14 items in the table. One of the main issues is the links of occupational exposure; this has been looked at closely by the authoritative sources recommended by the IOM. Mr. Vance said that the agency focused on group 1 monographs pulled from Haz-Map. However, it would be helpful if the committee could look at groups 2A and 2B and make a recommendation as to whether or not there is sufficient scientific basis for their application in the agency's program. Chair Welch said that figuring out how to pull the monographs into the SEM may take some time.

Some of these issues are similar to the issues that have been faced by the World Trade Center program. Literature from that program contains suggestions about how to establish presumptions. Chair Welch said that she will explore the World Trade Center information and get back to the committee. Mr. Vance said that the focus needs to be on the occupational component. Many of the World Trade Center issues are

not necessarily linked to occupational exposures.

Other issues

Chair Welch thought that the committee could do one more call before the board meeting in April.

Member Whitley asked about conflicts between the SEM and other information. Mr. Vance said that decisions will depend on the nature of the data and any supporting exhibits that are submitted. Thus, it is the purview of the SEM contractor to evaluate the information. For the most part, the agency will default to primary source information. The claims examiners are able to go to Paragon and ask specific questions.

Member Vlieger said that if the claimant can't come up with any records, there is no adjudication, and the agency just considers that lack of evidence. No one believes the claimant on face value. Mr. Vance said that if a claimant is providing information that is supported by other material in the case file or if they are offering information that can be used to reach a good and informed decision, then that claimant-provided information will be considered. The underlying question here is about the circumstances in which the agency should give the worker the benefit of the doubt.

Member Vlieger said that the exposures for the worker categories are limited through the process of Paragon and the SEMs. Labor categories disappear from the SEM without explanation. This may be because there is not specific exposure information about particular job categories. Perhaps including a question on the OHQ concerning for which specific hazards workers were trained would help round out claimant records. Member Vlieger said that information about personal exposures are not being put in the personnel records. The SEM for the overall sites is fairly complete, but the SEM loses its nuance when broken down by labor category.

Member Domina said that there has to be some presumption on the chemical exposures because monitoring for chemicals didn't exist in the past. Perhaps including the work history would help solve the problem.

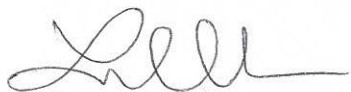
Member Vlieger said that the committee is going to need to come up with presumptive exposures. The agency needs to get out of the circular dance of "There are no records; please provide the records."

Member Dement said that in the cases he reviewed, the SEM and the worker-reported exposures weren't that far off...

The meeting was adjourned at 3:05 p.m.

I hereby certify that, to the best of my knowledge, the foregoing minutes are an accurate summary of the meeting.

Submitted by:



Laura S. Welch, MD

Chair, Subcommittee on the Site Exposure Matrices (SEM)
Advisory Board on Toxic Substances and Worker Health

Date: 4/8/17