

United States Senate

WASHINGTON, DC 20510

February 23, 2004

The Honorable Elaine Chao
Secretary
Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

The Honorable Spencer Abraham
Secretary
Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Secretaries Chao and Abraham:

I am writing today to bring to your attention the need to provide adequate compensation to thousands of New Yorkers who were employees of the Department of Energy and its contractors and subcontractors and are suffering from illnesses due to exposure from radiation and other toxic substances. Specifically, I write to urge your agencies to improve the effectiveness of outreach and claimant assistance to applicants of the Energy Employees Occupational Illness Compensation Program (EEOICP) in the Western New York region by establishing a permanent resource center in this area.

Thousands of New Yorkers labored for decades during the Cold War in ultrahazardous conditions at DOE and contractor facilities unaware of the health risks. Workers at these facilities handled high levels of radioactive materials and were responsible for helping to create the huge nuclear arsenal that served as a deterrent to the Soviet Union during the Cold War. Although government scientists knew of the dangers posed by the radiation, workers were given little or no protection and many have been diagnosed with cancer. We now have an obligation to assist them in gaining compensation for their sacrifices.

Yet despite having one of the greatest concentrations of facilities involved in nuclear weapons production-related activities in the nation, Western New York, and abutting areas of Pennsylvania, continue to be severely underserved by the EEOICP. The establishment of a permanent resource center in Western New York would represent a substantial step toward improving EEOICP services for workers in this region.

The Western New York region, including Western Pennsylvania, has the fourth highest concentration of Subtitle B claims filed with the Department of labor in comparison to Subtitle B claims filed at existing resource centers nationwide, yet it does not have a resource center of its own to provide outreach and claimant assistance. As of February 1, 2004 there were 3,771 Subtitle B applications submitted to the Department of Labor for review from this area alone. This number exceeds the number of Subtitle B claims filed at resource centers in Hanford, WA, Portsmouth, OH, Los Alamos, NM, Nevada Test Site, Rocky Flats, CO, Idaho National Labs and Amchitka Test Site in Alaska. This discrepancy demands a well developed response to ensure workers in the Western New York region receive the assistance they deserve.

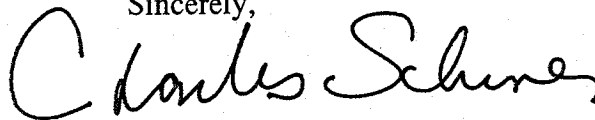
Western New York is home to 14 former Atomic Weapon Employers (AWE) sites and DOE clean up facilities. Yet despite having a high number of facilities, the only assistance

applicants receive is from a traveling resource center that comes to the area too infrequently to effectively serve current and former nuclear workers. EEOICPA Section 3631 requires DOL to provide outreach and claimant assistance. A permanent facility is needed in Western New York, not only to increase awareness of the program among area residents, but to help serve workers throughout the claimant process.

I look forward to hearing from you regarding establishing a permanent resource center in Western New York, the annual resource requirements for establishing a resource center, as well as detailed plans you may have to improve the claimant assistance and outreach efforts in Western New York and Pennsylvania. As you know, EEOICPA Section 3631 requires DOL to provide outreach and claimant assistance.

I thank you for your attention to this important matter and hope to hear from you shortly.

Sincerely,

A handwritten signature in cursive script that reads "Charles Schumer". The signature is written in dark ink and is positioned below the word "Sincerely,".

Charles Schumer
United States Senate

Cc: Mr. Shelby Hallmark, Office of Workers' Compensation Programs, Department of Labor
Mr. Bob Carey, Senior Policy Advisor, Office of the Under Secretary of Energy