

Senator Mark Udall
The Charlie Wolf Nuclear Workers Compensation Act
Section-by-Section Summary

Sec. 1. Short title; table of contents.

The Charlie Wolf Nuclear Workers Compensation Act

Sec. 2. Findings; purpose.

Describes the background of the EEOICPA and why it needs to be reformed and amended; describes Charlie Wolf's experience and difficulties seeking compensation for illness.

Sec. 3. Specified disease.

Expands the list of cancers for which individuals are eligible to receive compensation; this would be done by amending the relevant part of another law, the Radiation Exposures Compensation Act (RECA), because EEOICPA adopts that law's list by reference.

Sec. 4. Definitions for program administration.

Amends the EEOICPA by the following:

- (1) adds an employee of a contractor or subcontractor of an "atomic weapons employer" to the definition of "atomic weapons employee" who is eligible for compensation;
- (2) eliminates the requirement that claimants must be subjected to invasive testing procedures to establish the presence of chronic beryllium disease;
- (3) places any person who worked at a Department of Energy facility (defined as a facility where radiation and other toxic materials were present) before January 1, 2006 in a "special exposure cohort" and thereby establish exposure for these workers;
- (4) expands the list of cancers to include chronic lymphocytic leukemia, basal cell carcinoma, and skin cancer as eligible for compensation; and
- (5) allows claimants who were previously denied compensation based on these changes to reapply for compensation given these changes to the Act.

Sec. 5. Change in presumption for finding of cancer.

Shifts the presumption of compensation to the claimant; it does so by presuming that an individual with cancer sustained that cancer while performing his or her duty and places the burden of proof of rebutting that presumption on the National Institute for Occupational Safety and Health (NIOSH) to prove—by clear and convincing evidence—that the exposure did not cause the illness (to prove something by "clear and convincing evidence" and thus deny compensation, NIOSH must show that it is substantially more likely than not that the illness was not caused by the exposure but by some other factor).

Sec. 6. Distribution of information to claimants and potential claimants.

Requires the Department of Labor (DOL), which administers the EEOICPA, to provide a list of physicians qualified to perform medical and impairment screenings from independent medical associations and institutions of higher education; and require claims examiners to provide

written notice to claimants who file under either Part B or Part E of the EEOICPA of potential monetary or medical compensation for which they may be eligible.

Sec. 7. Enhancement of site profiles of Department of Energy facilities.

Requires DOL to provide the public with access to the “site exposure matrix” and any other databases or site profiles used to evaluate claims for compensation.

Sec. 8. Clarification of covered illnesses.

Broadens the definition of “covered illness” that is eligible for compensation to include a specific, but not exhaustive, list of specific illnesses; it also allows claimants who heretofore were denied compensation for a specified illness the ability to reapply for compensation due to this clarification.

Sec. 9. Payment of compensation to survivors and estates of contractor employees.

Require the DOL to pay a claimant's estate should a claimant die after filing their claim but before receiving payment and leave no survivors.

Sec. 10. Wage loss resulting from exposure.

Allows compensation for a covered illness even if that illness may not have been the sole cause of the claimant’s disability.

Sec. 11. Expansion of toxic substance exposure for covered illnesses.

Allows consideration of exposure to radiation in addition to toxic substances—or a combination of both—for compensation purposes.

Sec. 12. Extension of statute of limitations for judicial review of contractor employee claims.

Expands the statute of limitations to 1 year to provide ample time for workers whose claims have been denied to file a petition in federal court.

Sec. 13. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.

Expands the duties of the Office of the EEOICPA Ombudsman to include the ability to provide information to claimants on benefits available under Part B; and grants the Ombudsman the authority to contract for expert services to assist in the execution of its duties (e.g., individuals with expertise in health physics, medicine and toxicology).

Sec. 14. Payment for transportation and personal care services.

Requires the Office the Office of Workers' Compensation Programs to directly pay service providers for personal care services and transportation to assist low-income claimants who cannot afford to cover the cost of necessary medical and transportation expenses and wait for reimbursement from the government.

Sec. 15. Enhancement of transparency in claims process.

Requires any federal agency with jurisdiction over the program to provide information to claimants in easily understandable language and, if a claim is denied, provide claimants with a detailed, written explanation of all reasons for the denial and the additional documents, evidence, or information necessary to meet the burden of proof on appeal; and prohibits the Departments of Energy (DOE) and Labor from destroying original documents related to any DOE facility that might reasonably be expected to be used by workers in support of filing claims under EEOICPA.

Sec. 16. Extension of time for claimants to respond to requests for information.

Provides a claimant with additional time (not less than 120 days) to respond to a DOL request for additional information from the claimant about the claim.