

JOSEPH P. KENNEDY III
4TH DISTRICT, MASSACHUSETTS

COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON COMMERCE, MANUFACTURING,
AND TRADE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Congress of the United States
House of Representatives
Washington, DC 20515-2104

306 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5931

DISTRICT OFFICES:
29 CRAFTS STREET
SUITE 375
NEWTON, MA 02458
(617) 332-3333

8 NORTH MAIN STREET
SUITE 200
ATTLEBORO, MA 02703
(508) 431-1110

August 11, 2020

Ms. Josie Beach
Chairman
Metals and Controls Special Exposure Cohort Working Group

Dear Ms. Beach,

I represent the Fourth Congressional District of Massachusetts which includes the city of Attleboro. During the 1950's and 1960's Metals and Controls Corporation (M&C) performed government sponsored work as a nuclear fuel plant and some of that work included Atomic Weapons Employer (AWE) operations. Texas Instruments Incorporated merged with the Metals and Controls Corporation (M&C) in 1959. Work on nuclear fuel and AWE operations continued until 1967, and work on nuclear fuel in a small area of one building continued for a government research reactor until 1981.

As the government contracts ended, the radioactive materials were removed, and the plant was declared decontaminated. Further records show the M&C facility was not properly decontaminated until 1997. For 30 years (1968-1997), during the so-called "Residual Period," M&C re-purposed the buildings where the nuclear operations had historically been performed for non-nuclear manufacturing activities. Consequently, many non-nuclear M&C workers were exposed to high levels of residual radioactivity during the Residual Period and have had or are still experiencing cancers due to their exposures.

In 2001 the Energy Employees Occupational Illness Compensation Program Act, or EEOICPA, was created by the federal government to compensate qualified workers or workers' families for their exposure to radioactive materials and for their related cancers. Under the standard individual claim process, each worker's claim is evaluated on the basis of a dose reconstruction to determine if the probability of causation of the illness suffered is greater than 50% ("more likely than not" caused by one's occupational exposures). Under the Special Exposure Cohort (SEC) provision, no dose reconstruction is required to show the probability of causation; the worker is eligible if he/she can demonstrate that they are a member of a class of workers recognized under the SEC and have developed one of the covered cancers. The enabling statute (42 USC c.84 §7384q) specifies that "the Advisory Board on Radiation and Worker Health (Advisory Board) under section 7384o of this title shall advise the President whether there is a class of employees at any DOE facility [AWE-Facility] who likely were exposed to radiation at that facility but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received."

Since taking office in 2013, I have sought to assist in the distribution of benefits to former T.I. employees who have fallen ill as a result of working at the site in Attleboro. I have met several of these employees and have heard many stories about the pain they and their families have experienced as a result. My office organized resources to improve outreach to former employees, and thanks to our efforts, an additional \$45 million was awarded in individual claims submitted after 2013.

Unfortunately, the same cannot be said of the claims submitted by former workers whose exposures occurred exclusively during the Residual Period. As I understand it, the problem is that the standard Residual Period dose reconstruction model, which assumes that exposures are lower and diminish at a predictable rate after the end of the Operational Period, is entirely inadequate for certain classes of Residual Period workers at the M&C site.

I am aware that a group of former M&C Maintenance Workers filed an SEC Petition in August 2016 for exposures they received during the Residual Period (1968-1997). These workers came in direct contact and disturbed high levels of radioactive materials that had been released during the Operational Period into subsurface drains, soils and trenches, into overhead areas, and had gone undetected until the site was fully characterized and decommissioned between 1992 and 1997. During the entire 30-year Residual Period, these workers were exposed without knowledge of or training for the hazards to which they were exposed, their exposures were never measured or monitored, and they were not compensated when they became sick from their exposure.

As I previously stated in my letter of November 20, 2018, it is my hope that the Work Group (and by extension, the entire Advisory Board) takes a broader view and considers the original purpose and intent of the EEOICPA when considering the SEC Petition for M&C Maintenance Workers under evaluation.

Thank you for your work and consideration of this request. Please do not hesitate to let me know if I can be at all helpful.

Sincerely,



Joseph P. Kennedy III
Member of Congress