

Christopher S. Bond
S.L.C.

PENDING

AS MODIFIED

AMENDMENT NO. 3384 Calendar No. _____

Purpose: To include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program and to provide for the disposal of certain excess Department of Defense stocks for funds for that purpose.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

S. 2400

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GPO: 2002 83-247(Mac)

Referred to the Committee on _____
and ordered to be printed

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AMENDMENT intended to be proposed by Mr. BOND (for himself ~~and~~ Mr. HARKIN) *Mr Talbot and Mr Grossley*

Viz:

- 1 At the end of subtitle D of title XXXI, insert the
- 2 following:

1 **SEC. 3146. INCLUSION OF CERTAIN FORMER NUCLEAR**
2 **WEAPONS PROGRAM WORKERS IN SPECIAL**
3 **EXPOSURE COHORT UNDER THE ENERGY EM-**
4 **PLOYEES OCCUPATIONAL ILLNESS COM-**
5 **PENSATION PROGRAM.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Energy workers at the former Mallinkrodt
9 facilities (including the St. Louis downtown facility
10 and the Weldon Springs facility) were exposed to
11 levels of radionuclides and radioactive materials that
12 were much greater than the current maximum allow-
13 able Federal standards.

14 (2) The Mallinkrodt workers at the St. Louis
15 site were exposed to excessive levels of airborne ura-
16 nium dust relative to the standards in effect during
17 the time, and many workers were exposed to 200
18 times the preferred levels of exposure.

19 (3)(A) The chief safety officer for the Atomic
20 Energy Commission during the Mallinkrodt-St.
21 Louis operations described the facility as 1 of the 2
22 worst plants with respect to worker exposures.

23 (B) Workers were excreting in excess of a milli-
24 gram of uranium per day causing kidney damage.

1 (C) A recent epidemiological study found excess
2 levels of nephritis and kidney cancer from inhalation
3 of uranium dusts.

4 (4) The Department of Energy has admitted
5 that those Mallinkrodt workers were subjected to
6 risks and had their health endangered as a result of
7 working with these highly radioactive materials.

8 (5) The Department of Energy reported that
9 workers at the Weldon Springs feed materials plant
10 handled plutonium and recycled uranium, which are
11 highly radioactive.

12 (6) The National Institute of Occupational
13 Safety and Health admits that—

14 (A) the operations at the St. Louis down-
15 town site consisted of intense periods of proc-
16 essing extremely high levels of radionuclides;
17 and

18 (B) the Institute has virtually no personal
19 monitoring data for Mallinkrodt workers prior
20 to 1948.

21 (7) The National Institute of Occupational
22 Safety and Health has informed claimants and their
23 survivors at those 3 Mallinkrodt sites that if they
24 are not interviewed as a part of the dose reconstruc-
25 tion process, it—

1 (A) would hinder the ability of the Insti-
2 tute to conduct dose reconstruction for the
3 claimant; and

4 (B) may result in a dose reconstruction
5 that incompletely or inaccurately estimates the
6 radiation dose to which the energy employee
7 named in the claim had been exposed.

8 (8) Energy workers at the Iowa Army Ammuni-
9 tion Plant (also known as the Burlington Atomic
10 Energy Commission Plant and the Iowa Ordnance
11 Plant) between 1947 and 1975 were exposed to lev-
12 els of radionuclides and radioactive material, includ-
13 ing enriched uranium, plutonium, tritium, and de-
14 pleted uranium, in addition to beryllium and photon
15 radiation, that are greater than the current max-
16 imum Federal standards for exposure.

17 (9) According to the National Institute of Occu-
18 pational Safety and Health—

19 (A) between 1947 and 1975, no records,
20 including bioassays or air samples, have been
21 located that indicate any monitoring occurred of
22 internal doses of radiation to which workers de-
23 scribed in paragraph (8) were exposed;

24 (B) between 1947 and 1955, no records,
25 including dosimetry badges, have been located

1 to indicate that any monitoring occurred of the
2 external doses of radiation to which such work-
3 ers were exposed;

4 (C) between 1955 and 1962, records indi-
5 cate that only 8 to 23 workers in a workforce
6 of over 1,000 were monitored for external radi-
7 ation doses; and

8 (D) between 1970 and 1975, the high
9 point of screening at the Iowa Army Ammuni-
10 tion Plant, only 25 percent of the workforce
11 was screened for exposure to external radiation.

12 (10) The Department of Health and Human
13 Services published the first notice of proposed rule-
14 making concerning the Special Exposure Cohort on
15 June 25, 2002, and the final rule published on May
16 26, 2004.

17 (11) Many of those former workers have died
18 while waiting for the proposed rule to be finalized,
19 including some claimants who were waiting for dose
20 reconstruction to be completed.

21 (12) Because of the aforementioned reasons, in-
22 cluding the serious lack of records and the death of
23 many potential claimants, it is not feasible to con-
24 duct valid dose reconstructions for the Iowa Army

1 Ammunition Plant facility or the Mallinkrodt facili-
2 ties.

3 (b) INCLUSION OF CERTAIN FORMER WORKERS IN
4 COHORT.—Section 3621(14) of the Energy Employees
5 Occupational Illness Compensation Program Act of 2000
6 (title XXXVI of the Floyd D. Spence National Defense
7 Authorization Act for Fiscal Year 2001 (as enacted into
8 law by Public Law 106–398); 42 U.S.C. 7384(14)) is
9 amended—

10 (1) by redesignating subparagraph (C) as sub-
11 paragraph (D); and

12 (2) by inserting after subparagraph (B) the fol-
13 lowing new subparagraph (C):

14 “(C) Subject to the provisions of section
15 3612A and section 3146(e) of the National De-
16 fense Authorization Act for Fiscal Year 2005,
17 the employee was so employed for a number of
18 work days aggregating at least 45 workdays at
19 a facility operated under contract to the De-
20 partment of Energy by Mallinkrodt Incor-
21 porated or its successors (including the St.
22 Louis downtown or ‘Destrehan’ facility during
23 any of calendar years 1942 through 1958 and
24 the Weldon Springs feed materials plant facility
25 during any of calendar years 1958 through

1 1966), or at a facility operated by the Depart-
2 ment of Energy or under contract by Mason &
3 Hangar-Silas Mason Company at the Iowa
4 Army Ammunition Plant (also known as the
5 Burlington Atomic Energy Commission Plant
6 and the Iowa Ordnance Plant) during any of
7 the calendar years 1947 through 1975, and
8 during the employment—

9 “(i)(I) was monitored through the use
10 of dosimetry badges for exposure at the
11 plant of the external parts of an employ-
12 ee’s body to radiation; or

13 “(II) was monitored through the use
14 of bioassays, in vivo monitoring, or breath
15 samples for exposure at the plant to inter-
16 nal radiation; or

17 “(ii) worked in a job that had expo-
18 sures comparable to a job that is mon-
19 itored, or should have been monitored,
20 under standards of the Department of En-
21 ergy in effect on the date of enactment of
22 this subparagraph through the use of do-
23 simetry badges for monitoring external ra-
24 diation exposures, or bioassays, in vivo

1 monitoring, or breath samples for internal
2 radiation exposures, at a facility.”.

3 (c) FUNDING OF COMPENSATION AND BENEFITS.—

4 (1) Such Act is further amended by inserting after section
5 3612 the following new section:

6 **“SEC. 3612A. FUNDING FOR COMPENSATION AND BENEFITS**

7 **FOR CERTAIN MEMBERS OF THE SPECIAL EX-**

8 **POSURE COHORT.**

9 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
10 is hereby authorized to be appropriated to the Department
11 of Labor for each fiscal year after fiscal year 2004 such
12 sums as may be necessary for the provision of compensa-
13 tion and benefits under the compensation program for
14 members of the Special Exposure Cohort described in sec-
15 tion 3621(14)(C) in such fiscal year.

16 (b) PROHIBITION ON USE FOR ADMINISTRATIVE
17 COSTS.—(1) No amount authorized to be appropriated by
18 subsection (a) may be utilized for purposes of carrying out
19 the compensation program for the members of the Special
20 Exposure Cohort referred to in that subsection or admin-
21 istering the amount authorized to be appropriated by sub-
22 section (a).

23 (2) Amounts for purposes described in paragraph
24 (1) shall be derived from amounts authorized to be appro-
25 priated by section 3614(a).