

Congress of the United States
Washington, DC 20515

June 28, 2010

The Honorable Hilda Solis
Secretary
U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, D.C. 20210

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human
Services
200 Independence Avenue, S.W., Rm 615F
Washington, D.C. 20201

Dear Secretaries Solis and Sebelius:

We write today on behalf of nuclear weapons workers and their families seeking compensation for illnesses under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

As you know, we have introduced legislation to address a number of concerns that potential claimants have encountered with the EEOICPA program. That legislation, called the Charlie Wolf Nuclear Workers Compensation Act (S. 757; H.R. 1828), is designed to make this program more “user-friendly” and help these claimants get the compensation they deserve.

Although we will continue to strongly promote this legislation, we are concerned that many claimants will continue to experience delays and denials of compensation until this legislation can be enacted and implemented. This is especially concerning to us as many of the provisions in the Charlie Wolf Act could be addressed through administrative action.

As a result, we are formally requesting your agencies initiate rulemaking proceedings as provided under 5 U.S.C. Section 553(e) of the Administrative Procedure Act. That rulemaking should involve amending existing rules governing the administration of EEOICPA so as to make these rules more effective in processing claims, lessen the burden on claimants, and take into account the difficulties of securing access to needed records and information. While we are mindful of the need to review claims and make sure that compensation is due, we also believe that many deserving claimants are encountering significant obstacles in this process—obstacles that we believe result in the delay or even denial of legitimate claims.

Specifically, we ask that your agencies consider the provisions of the Charlie Wolf Act as part of this petition for rulemaking. In addition to the provisions of that Act, we also request that your agencies include the separate rulemaking petitions submitted by the Alliance of Nuclear Worker Advocacy Groups (ANWAG) and the Linde Ceramics SEC Action Group as part of this petition. We understand that the ANWAG request was recently denied, however, we respectfully request that your agencies reconsider that decision. These petitions represent suggestions for much needed reform to the EEOICPA administrative regulatory framework. Moreover, these petitions have been coordinated by advocates and stakeholders on the front lines and from worker

representatives and workers themselves who deal with the onerous and bureaucratic evidentiary burdens forced upon sickened workers and their families each and every day.

We appreciate your agencies prompt consideration of this petition. The men and women that have served our nation and were unwittingly exposed to toxins and radiation at nuclear facilities around the country deserve to have their claims evaluated in a fair and equitable manner. We believe that our rules and processes should reflect such fairness and equity. These Americans deserve such treatment.

We look forward to your timely response to this urgent matter.

Sincerely,



Senator Mark Udall



Senator Michael Bennet



Representative Diana DeGette



Representative John Salazar



Representative Ed Perlmutter



Representative Jared Polis



Representative Betsy Markey