

2024 Current Fiscal Year Report: Advisory Board on Toxic Substances and Worker Health

Report Run Date: 04/17/2024 10:26:55 PM

1. Department or Agency

Department of Labor

2. Fiscal Year

2024

3. Committee or Subcommittee

Advisory Board on Toxic Substances and Worker Health

3b. GSA

Committee No.

2545

4. Is this New During Fiscal Year?

No

5. Current Charter

06/14/2023 06/14/2025

7. Expected Term Date

12/19/2024

8a. Was Terminated During Fiscal Year?

No

8b. Specific Termination Authority

Pub. L. 115-91

8c. Actual Term Date

9. Agency Recommendation for Next Fiscal Year

Continue

10a. Legislation Req to Terminate?

Not Applicable

10b. Legislation Pending?

Not Applicable

11. Establishment Authority

Statutory (Congress Created)

12. Specific Establishment Authority

Pub. L. 113-291

13. Effective Date

12/19/2014

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee

Scientific Technical Program Advisory Board

16a. Total Number of Reports

1

16b. Report Date

01/16/2024 ABTSWH November 2023 Meeting Recommendations

Number of Committee Reports Listed:

1

17a.

Open

0

17b. Closed

0

17c. Partially Closed

0

Other Activities

0

17d. Total

0

Meetings and Dates

No Meetings

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$0.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$0.00	\$0.00
19. Federal Staff Support Years (FTE)	0.00	0.00

20a. How does the Committee accomplish its purpose?

The Advisory Board on Toxic Substances and Worker Health (Advisory Board or Board) advises the Secretary of Labor with respect to: 1) the Site Exposure Matrices (SEM) of the Department; 2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; 3) evidentiary requirements for claims under EEOICPA subtitle B related to lung disease; 4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of

Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency; 5) the claims adjudication process generally, including review of procedure manual changes prior to incorporation into the manual and claims for medical benefits; and 6) such other matters as the Secretary considers appropriate. The Board discusses some topics as a full Board and also forms working groups around certain topics of interest. The working groups report their work to the full Board.

20b. How does the Committee balance its membership?

The Advisory Board is composed of 12 members appointed by the Secretary. Pursuant to Section 3687(a)(2), membership must reflect a balance of perspectives from the scientific, medical and claimant communities. The Department of Labor intends that one-third of the membership is from the scientific community, one-third from the medical community, and one-third from the claimant community. Thus, the Advisory Board reflects a reasonable balance of scientific, medical, and claimant representatives to address the tasks assigned to the Advisory Board.

20c. How frequent and relevant are the Committee Meetings?

The Advisory Board charter provides that it will meet at least twice per year through its sunset date of December 19, 2024.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

The Advisory Board is statutorily required.

20e. Why is it necessary to close and/or partially closed committee meetings?

To date, all meetings have been open to the public. Meetings will remain open to the public except as otherwise determined by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and Section 10(d) of the FACA. Notice of all meetings is given to the public.

21. Remarks

The Advisory Board's legislation originally specified a sunset date five years after enactment. See Section 3141(a) of the National Defense Authorization Act of 2015, Pub. L. 113-291 (December 19, 2014), which added Section 3687 to Pub. L. 106-398. Subsequently in 2017, Section 3687(i) was amended adding five years to the Board's active life. The Advisory Board will terminate on December 19, 2024.

Designated Federal Officer

Ryan Jansen Deputy Director, DCMWC, OWCP

Committee Members	Start	End	Occupation	Member Designation
Bowman, Aaron	07/17/2020	07/18/2024	Purdue University	Special Government Employee (SGE) Member
Catlin, Mark	07/17/2020	07/18/2024	MDC Consulting & Training	Special Government Employee (SGE) Member
Cloeren, Marianne	07/18/2022	07/18/2024	University of Maryland	Special Government Employee (SGE) Member
Domina, Kirk	07/26/2023	07/18/2024	Hanford Site, retired	Special Government Employee (SGE) Member

Friedman-Jimenez, George	07/16/2018	07/18/2024	NYU School of Medicine	Special Government Employee (SGE) Member
Key, Jim	07/17/2020	07/18/2024	USW Atomic Energy Council	Special Government Employee (SGE) Member
Markowitz, Steven	07/16/2018	07/18/2024	Queens College, CUNY School of Public Health	Special Government Employee (SGE) Member
Mikulski, Marek	07/16/2018	07/18/2024	University of Iowa	Special Government Employee (SGE) Member
Splett, Gail	07/18/2022	07/18/2024	Hanford Site, retired	Special Government Employee (SGE) Member
Van Dyke, Mike	07/17/2020	07/18/2024	University of Colorado Anschutz Medical Campus	Special Government Employee (SGE) Member
Vlahovich, Kevin	07/18/2022	07/18/2024	University of New Mexico	Special Government Employee (SGE) Member
Whitten, Dianne	07/17/2020	07/18/2024	Hanford Atomic Metal Trades Council	Special Government Employee (SGE) Member

Number of Committee Members Listed: 12

Narrative Description

The Advisory Board is statutorily required.

What are the most significant program outcomes associated with this committee?

Checked if
Applies

Improvements to health or safety



Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input checked="" type="checkbox"/>
Increased customer satisfaction	<input checked="" type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Outcome Comments

Congress enacted the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA; 42 USC 7384 et seq.) to provide fair and timely benefits to workers who contracted illnesses related to exposure to radiation or other toxic substances while employed by the Department of Energy or its contractors. The statute specifically provides lump-sum compensation and health benefits to eligible DOE nuclear weapons workers (including employees, former employees, contractors and subcontractors) and lump-sum compensation to certain survivors if the worker is deceased. The Advisory Board is tasked with providing specific categories of technical advice to the Secretary of Labor regarding EEOICPA.

What are the cost savings associated with this committee?

Checked if Applies

None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

Cost Savings Comments

The Advisory Board was not created as a cost savings initiative.

What is the approximate Number of recommendations produced by this committee for the life of the committee?

Number of Recommendations Comments

The Advisory Board submitted comments to the DEEOIC proposed rulemaking (RIN 1240-AA08), following its April 2016 meeting. The comments were filed on regulations.gov by the Chair on behalf of the Advisory Board. Since then, the Advisory Board has submitted 34 new recommendations or follow-up recommendations. Seven of these have been fully implemented and nineteen are in progress.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

20%

% of Recommendations Fully Implemented Comments

The comments on the proposed regulations were received and considered. The regulations themselves have been issued. With regard to the 34 meeting recommendations, seven have been fully implemented and nineteen are in progress.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

55%

% of Recommendations Partially Implemented Comments

See comment reported in the "% of Recs Fully Implemented Comment." field.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

The Department issued written responses to all the recommendations (or revised recommendations) that have been submitted by the Board through FY23. See <https://www.dol.gov/agencies/owcp/about/AdvisoryBoard>, Recommendations tab.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities



Reallocated resources



Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Action Comments

The Division of Energy Employees Occupational Illness Compensation (DEEOIC) reviewed/evaluated the comments received in response to the Notice of Proposed Rulemaking. The new regulations have been issued. DEEOIC Circular 15-04 has been rescinded. DEEOIC has included relevant updates to the SEM; is using an updated Occupational History Questionnaire; implemented procedures to allow industrial hygienists and claims examiners to speak with claimants and claims examiners when appropriate; leveraging technology to allow electronic access to claim files for claimants; implementing uniform (but not dispositive) guidance for physicians on various claimed conditions; creating presumptions of causation for claimed conditions; and analyzing Board comments in conjunction with other expert advice to decide how best to edit the procedure manual on various topics. The Energy program has also provided voluminous data to the Board in response to several specific requests, and has provided encrypted electronic claims in their entirety on several different medical conditions and with various adjudicatory commonalities (such as Industrial Hygienist or Contract Medical Consultant reports). The Board and the program continue to work together to address new topics such as COVID as a claimed condition and improvements to the SEM as a useful tool for assisting adjudication of claims.

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

N/A.

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Access Comments

The Advisory Board's website is linked from the OWCP website:

<https://www.dol.gov/agencies/owcp/about/AdvisoryBoard>. Advisory Board materials which are releasable to the public, once available, are posted here, including meeting materials, recommendations, and public comments.