

United States Senate

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November 13, 2007

The Honorable Elaine Chao
Secretary of Labor
Department of Labor
Frances Perkins Building, Third Street and Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Chao:

I write to express my approval of the U.S. Department of Labor's decision to include the 775 Rocky Flats workers from Building 881 under the Special Exposure Cohort (SEC) status. It is a step in the right direction as the decision will help provide these veterans of the Cold War with the compensation and medical benefits they deserve for their service to our Nation.

I appreciate your diligence, leadership, and oversight as special exposure cohort status is implemented at Rocky Flats.

The error made by initially excluding Building 881 workers, as referenced by the attached articles, raises concerns regarding the implementation of SEC status by the Department of Labor. Many will view this initial omission as proof that crucial information has been overlooked and that other facilities on the site with potential for neutron exposures may have also been overlooked.

As you are aware, the Rocky Flats Special Exposure Cohort petition has been plagued by untimely decisions and data and record discrepancies. The members of the approved Rocky Flats SEC and their families have long awaited this decision and the implementation of this benefit. They deserve better. These workers should not have to worry about whether or not they will receive compensation.

The recommendation of the Advisory Board and the decision granted by the Department of Human Services on August 6th was clear. SEC was approved for the Rocky Flats workers who met the tenure qualifications from 1952 to 1966 and were "monitored" or should have been monitored for neutron exposures.

Further, many questions remain unanswered regarding the implementation of SEC and Department of Labor's building review of the Rocky Flats site. For example, was a formal and thorough building review performed? If yes, which federal agency performed the review and is there a spreadsheet of the facilities that can be made publicly available? Such a document would be helpful in ensuring that additional buildings and information are not omitted. What efforts are being taken by the Department of Labor to ensure that additional buildings are not excluded?

The fact that these questions and many others remain suggests a lack of oversight that our government must address. On October 23, 2007, the Senate Committee on Health, Education, Labor and Pensions (HELP Committee) held a hearing to determine if the EEOICPA Program was being administered in a claimant friendly manner. As a member of the Senate HELP Committee, I, along with my Committee colleagues, am committed to ensuring that the EEOICPA program is functioning as Congress intended.

Unfortunately, precedence and the initial omission of building 881 from the Rocky Flats SEC suggests that much progress still needs to be made.

I appreciate your personal attention, diligence and leadership in ensuring that Special Exposure Cohort Status be implemented as the Department of Health and Human Services and Congress intended.

I will continue to work with and support all of our Cold War Warriors that are suffering from radiation and chemical exposures. Workers who have become ill due to these exposures deserve to receive this compensation—it is what they have earned. They are our Nation's Cold War Heroes and deserve to be treated as such. I expect and anticipate additional oversight hearings and legislative proposals that will address the inefficiency and communication gaps in the EEOICPA Program. I am looking forward to working with you and the Department of Human Services on the concerns with the EEOICPA program and appreciate your assistance.

Sincerely,



Wayne Allard
United States Senator

Cc: The Honorable Ken Salazar, U.S. Senate
The Honorable Ed Perlmutter, U.S. House of Representatives
The Honorable Mark Udall, U.S. House of Representatives