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December 4, 2021

The Honorable Jerrold Nadler, Chair
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

EMAIL TRANSMISSION

Dear Chairman Nadler:

The purpose of this letter is to voice my strong support for reauthorization of the Radiation Exposure Compensation Act (RECA) and its expansion to include additional groups of claimants.

For 18 years I served on the faculty of the College of Public Health at East Tennessee State University in the Department of Environmental Health, earning tenure in 2009. In 2016, I was initially appointed by Labor Secretary Tom Perez to the Advisory Board on Toxic Substances and Worker Health to advise the agency on implementation of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA), a law closely related to RECA, and I continue to serve on the Board. From my earliest dissertation work at Boston University on past exposures at uranium mills,¹ I have specialized in the use and interpretation of historical data on emissions and exposures in the nation's nuclear complex.^{2 3} In addition to peer-reviewed publications,^{4 5} I have contributed Senate testimony,⁶ public interest reports,⁷ and occasional op-eds⁸ to the public debates on compensation for illnesses related to Cold War era exposures. Living in New Mexico from 1997 to 2003, I worked closely with the staff of Congressman Tom Udall. We extended these collaborative efforts on behalf of nuclear workers and their families with my visits, at least annually, to New Mexico for 15 years, through Mr. Udall's two terms in the Senate.

I fully support extending the uranium mine and mill worker provisions past 1971. Although the Mine Safety and Health Administration and the Occupational Safety and Health Administration did come into existence around that time, a bright-line demarcation in time naively assumes that uranium facilities quickly complied with more protective federal health standards. In fact, many of these facilities were located in remote rural areas where inspections were slow to occur. Historically lax state mining regulators, newly merged into state OSHA programs, did not alter their cozy relationships with mine owners overnight. Additionally, employees pre- and post-1971 experienced high levels of "paycheck vulnerability": these were the best paying, most secure jobs for miles around. Moreover, as the government's ore-buying program receded, the industry's best days were behind it, resulting in pressures to cut costs, retarding the adoption of safety features. In sum, no magic wand was waved to suddenly make uranium mines and mills in remote areas substantially safer in 1971.

An important lesson I draw from EEOICPA implementation is that it would be profoundly unwise to predicate compensation decisions on individualized radiation dose reconstructions. Sometimes, radiation doses in the workplace can be estimated credibly, such as when contemporaneous badge monitoring data are in-hand. But it would be infinitely more difficult to do so for many RECA claimants who were exposed as downwinders. Many arbitrary assumptions about their exposure would be required, undermining the credibility of a statutorily-mandated dose reconstruction

program. Even under EEOICPA, many worker and spousal claimants have died while dose reconstructions were still being contested. The National Academies of Sciences toyed with the idea of introducing dose reconstructions to RECA in a 2005 report. At that time, we had only four years' experience with dose reconstructions under EEOICPA. Were NAS to revisit the subject today – and hear from experts, claimants and their representatives -- I believe they would likely withdraw that recommendation.

As a native New Yorker, I trust you feel compassion for our fellow Americans in rural areas where the social safety net often hangs by a thread. Interestingly, some of the earliest studies of the grave dangers facing uranium mine and mill workers in the western states were conducted by the scientists at the Atomic Energy Commission's Health and Safety Laboratory (later, the Environmental Measurements Laboratory) located in lower Manhattan. These early industrial hygienists and health physicists were quite open about problems in the industry.⁹ Their legacy was still felt c. 1994 when an administrative assistant at the EML (Ms. Rita Rosen) responded to my request for historical documents as I began my dissertation research. A few years later, over lunch, labor leader Tony Mazzocchi told me how in 1966-7 Senator Robert Kennedy intervened on behalf of the Oil, Chemical and Atomic Workers Union to force disclosure of an actuarial report performed for the AEC. That report predicted hundreds of uranium miner deaths in the coming years.¹⁰

Occupational disease victims and radiation claimants in rural areas of America often face a lonely struggle. Thus, I also urge you to preserve and extend the critical health screening programs funded by the Health Resources and Services Administration for these populations.

Sincerely,



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(Ret'd 2021)

¹ Silver, K., *The yellowed archives of yellowcake*. Public Health Reports, 1996. 111: p. 117.

² Silver, K., *Use of historical data in a contemporary public health assessment of a uranium mill*, in *Proceedings of the International Congress on Hazardous Waste*. 1996.

³ Silver, K. and R. Clapp, *Environmental surveillance at Los Alamos: An independent reassessment*. Risk Analysis, 2006. 26(4): p. 893-906.

⁴ Silver, K., *The Energy Employees Occupational Illness Compensation Program Act: New legislation to compensate affected employees*. AAOHN Journal, 2005. 53(6): p. 267-78.

⁵ Silver, K., et al., *Harriet Hardy and the workers of Los Alamos: A campus-community historical investigation*. New Solutions, 2014. 24(3): p. 303-319.

⁶ EEOICPA: *Is the Program Claimant Friendly for Our Cold War Heroes?*, in *Committee on Health, Education, Labor, and Pensions*. 2007, U.S. Government Printing Office: Washington, D.C. p. 45-59. (S. Hrg. 110-737)

⁷ Silver, K., et al., *Cancer and Workers Exposed to Ionizing Radiation: A Review of the Research Literature* (Boston: JSI, 2003)

⁸ Silver, K. and Romero, H., *Left out in the cold*; Insight and Opinion, Albuquerque Tribune September 1, 2000

⁹ Harris, W.B. et al, *Environmental hazards associated with the milling of uranium ore*, AMA Arch. Ind. Health, 20: 365 (1959)

¹⁰ *Radiation Exposure of Uranium Miners*, in *Joint Committee on Atomic Energy*, 1967 U.S. Government Printing Office: Washington, D.C (S. Hrg. 82-717)