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SENATOR ALLARD ANNOUNCES SPEED-UP, END TO DELAYS
IN ENERGY WORKERS COMPENSATION PROGRAM

'They've waited long enough'

WASHINGTON, D.C. – U.S. Senator Wayne Allard (R-Colorado) announced Friday that he has succeeded in getting a provision revising the Energy Employees Occupational Illness Compensation Program into the final conference version of the FY 2005 Defense Authorization bill. As a member of the Senate-House conference, Senator Allard had been working on compromise legislation to solve many of the difficulties in the Department of Energy's energy worker compensation program with U.S. Senator Jim Bunning (R-Kentucky).

"This was a classic case of bureaucracy getting in the way," said Allard. "Ailing energy workers from Rocky Flats and other Department of Energy sites were being tripped up by an endless series of bureaucratic hurdles and were not getting paid the compensation they deserved."

"The Cold War warriors and heroes at Rocky Flats had handled some of the most deadly substances known to man, and, as a result, some incurred cancers and other life-threatening diseases" said Senator Allard. "Therefore, I joined Senator Jim Bunning (R-Kentucky) and many of my other colleagues in creating a new program that could provide these workers with full and fair compensation on a timely basis."

"They've waited long enough," the Senator added.

The Energy Employees Occupational Illness Compensation Act of 2000 created two avenues from which workers who incurred illnesses while employed at a Department of Energy nuclear weapons site could be compensated. Subtitle B of that act granted an automatic lump-sum payment to those workers suffering from one of 22 specific cancers. The second approach, Subtitle D, was for both the workers who had one of the 22 cancers and those who may have had other illnesses related to their work at the Department of Energy nuclear weapons sites. Workers applied for compensation through the Department of Energy and were required to be examined by a panel of physicians set up by the Department of Energy. If they were found to have contracted their illness while working at a DOE site, the Department of Energy promised to support their claims as they went through the state workers' compensation program.

In Colorado, only a few workers received compensation under Subtitle D. This failure was because of the Department of Energy's inefficient claim-processing system and the refusal of former Department of Energy contractors and insurance companies to not contest the state workers' compensation claims.

After nearly three months of careful deliberation, study and work, Senator Allard and many of his Senate and House colleagues agreed on a new program to replace Subtitle D.

Under this new program, Subtitle E, a worker who is determined to be entitled to compensation will receive the following:

1. $2,500 multiplied by 1 percent of the permanent impairment rating; and
2. An award of $15,000 for each year that the employee, as the result of a DOE-related illness, earned less than 50 percent of his or her highest DOE wage.
3. An award of $10,000 for each year where the employee, as a result of an DOE-related illness, was able to earn more than 50 percent but no more than 75 percent of his or her highest DOE wage.

The Department of Labor will manage the program, the funding for which will be mandatory spending and thus not subject to the annual appropriations process. The total amount an employee may receive under Subtitle E is $250,000, in addition to medical benefits. An employee remains eligible to receive compensation under Subtitle B as well; survivors of sick workers also are eligible for compensation.

"I am proud of our workers at Rocky Flats who did so much to help win the Cold War. They worked in a difficult and very dangerous environment," said Allard. "Sadly, some of them incurred illness in the line of duty. They deserve just and fair compensation, and this new program should begin that process."

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