

September 5, 2007 - Slaughter Demands Answers from CDC on Compensation for Linde Ceramics Workers

Washington, DC - Rep. Louise M. Slaughter (D-NY-28), Chairwoman of the House Rules Committee, recently sent a letter regarding compensation for former workers of Tonawanda's Linde Ceramics Plant to Dr. Julie Louise Gerberding, Director of the Centers for Disease Control (CDC).

FOR IMMEDIATE RELEASE

Thursday, September 6, 2007

Slaughter Demands Answers from the CDC on Compensation for Linde Ceramics Workers

Washington, DC - Rep. Louise M. Slaughter (D-NY-28), Chairwoman of the House Rules Committee, recently sent a letter regarding compensation for former workers of Tonawanda's Linde Ceramics Plant to Dr. Julie Louise Gerberding, Director of the Centers for Disease Control (CDC).

The letter expressed concern about the funding shortfall to the Linde Ceramics Workers and requested that CDC provide an update on the National Institute for Occupational Safety and Health (NIOSH) planned response to the audit of Linde Ceramics site profile.

"The Atomic Energy Workers at Linde helped defend and secure America for future generations, and now the government has an obligation to compensate them for this dangerous work which robbed them of their health," said Rep. Slaughter. "I believe the Administration must stop shortchanging these workers and do everything they can to make timely payments to the claimants. I will continue to do all that is in my power to ensure these brave workers get the compensation they deserve."

Earlier this year, Rep. Slaughter learned that CDC had improperly denied funding to the National Institute of Occupational

Safety and Health (NIOSH), the agency responsible for developing an accurate site profile of the Linde Ceramics site. The site profile is used to determine whether former Linde workers deserve compensation for cancer that may have developed due to their time at Linde Ceramics. Since an independent audit last summer confirmed NIOSH's initial site profile of Linde Ceramics was severely flawed, former Linde Workers will be continue to be incorrectly denied compensation until NIOSH adjusts their site profile.

Many former Linde Ceramics workers are still waiting for their claims to be addressed and several have been denied benefits. A July 2006 audit of the Linde Ceramics site profile contained several recommendations for changes and enhancement to determine workers eligibility for compensation. CDC earlier this year advised Rep. Slaughter that their review of the outside audit would be completed by June 2007. However, NIOSH's funding shortfall has delayed the review and consequently delayed adequate compensation for former Linde workers.

BACKGROUND:

The audit firm SC&A completed their audit of the Linde Ceramics site profile in July 2006 and made several recommendations for the National Institute of Occupational Safety and Health (NIOSH) to revise the Linde site profile in order to improve the results for the dose reconstruction. Both the site profile and the dose reconstruction are necessary for any worker in determining whether a worker qualifies for benefits if they are not part of a special exposure cohort.

The audit discredited a substantial amount of evidence that NIOSH's contractor -- Oak Ridge Associated Universities (ORAU) -- relied on for the completion of the site profile. The audit raised the strong possibility that Linde claimants have been denied compensation due to NIOSH's flawed site profile.

The complete text of Rep. Slaughter's letter to Dr. Julie Gerberding is included below:

Dr. Julie Louise Gerberding

Director

Centers for Disease Control

1600 Clifton Road NE

Atlanta, GA 30329-4018

Thank you for your response to my June 8 letter concerning the Fiscal Year 2007 funding shortfall for Part B of the Energy Employees Occupational Illness Compensation Program Act (EEIOCPA). I am encouraged that CDC's National Institute for Occupational Safety and Health (NIOSH) now has sufficient funds to resume its adjudication program through the fiscal year. However, I am concerned that your letter failed to explain why there was a funding shortfall in the first place. In addition to answering why the shortfall occurred, I respectfully request that CDC provide me with an update on NIOSH' planned response to the audit of the Linde Ceramics site profile.

I understand that the root-cause of the shortfall stems from the fact that CDC assessed overhead costs to NIOSH that precluded NIOSH from meeting its obligations to claimants under Part B of EEIOCPA for several months. Is this an accurate assessment of the situation and, if so, what steps will CDC take to ensure that these funding problems are avoided in the future?

NIOSH's funding shortfall has delayed adequate compensation for claimants who are former workers at the Linde Ceramics facility in Tonawanda, New York. As you may be aware, the Advisory Board on Radiation and Worker Health (Advisory Board) received an audit on the Linde Ceramics site profile last July. The audit discredited a substantial amount of evidence that NIOSH's contractor -- Oak Ridge Associated Universities (ORAU) -- relied on for the completion of the site profile. The audit raised the strong possibility that Linde claimants have been denied compensation due to NIOSH's flawed site profile.

The Advisory Board established a Linde Ceramics Working Group in February to evaluate the audit. Regrettably, the Advisory Board is waiting for NIOSH and ORAU to issue a detailed response to the audit before determining if changes to the Linde Ceramics site profile are warranted. My office was informed by CDC in April that ORAU's response would be completed and transmitted to the Advisory Board by June 29th. My office was recently told that this deadline went unmet because of NIOSH's funding shortfall, and that NIOSH does not know when their response will be completed.

This delay is prohibiting Linde workers from receiving the compensation benefits that they deserve. It is imperative that NIOSH and ORAU complete their response to the audit as soon as possible in order to allow the Advisory Board's Linde Working Group to revise the Linde Ceramics Site Profile.

I again request that you provide me with an explanation for why NIOSH experienced a funding shortfall earlier this year. In addition, I request that CDC provide me with an update on when to expect NIOSH and ORAU's response to the Linde Ceramics site profile audit. I appreciate your attention to this request, and await your prompt response. Please contact me or Alan Snyder of my staff at (202) 225-3615 should you have any questions.

Sincerely,

Louise M. Slaughter

Member of Congress

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