

United States Senate

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**Testimony of Senator Charles E. Schumer
Advisory Board on Radiation and Worker Health
Bethlehem Steel Site Profile
June 14-16, 2006**

Mr. Chairman, thank you for allowing me to submit testimony to the Board regarding Bethlehem Steel.

Thousands of New Yorkers labored during the late 1940s and early 1950s in ultra hazardous conditions at Department of Energy and contractor facilities, while being unaware of the health risks. Workers at these facilities handled high levels of radioactive materials and were responsible for helping to create the huge nuclear arsenal that served as a deterrent to the Soviet Union during the Cold War. Although government scientists knew of the dangers posed by the radiation, workers were given little or no protection and today, many have been diagnosed with diseases, like cancer, that are likely linked to the work they did at these nuclear facilities. Despite having one of the greatest concentrations of facilities involved in nuclear weapons production-related activities in the nation, western New York continues to be severely underserved by the Energy Employees Occupational Illness Compensation Program.

As I stated in my letter to you on January 19, 2006, I was opposed to the Board's motion that, based on the current information on the Bethlehem Steel site profile, the profile was "acceptable for use in the NIOSH dose reconstruction program." While I am happy to hear that NIOSH and Sanford Cohen and Associates have come to agreement on five of the six discrepancies, and continues to work with Ed Walker on the final outstanding issue, I am still very concerned that the January decision denies compensation to the great majority of potentially deserving former Bethlehem Steel workers. 42 CFR, Chapter 1, Subpart A, § 82.2 lays out the basic principles for dose reconstruction stating: "...dose reconstruction is to characterize the radiation environments to which workers were exposed and to then place each worker in time and space within this exposure environment." However, the Board approved, and NIOSH is currently using information which does not at all put the former Bethlehem works in their correct working environments, but an entirely different plant, with different data and information.

When the Board recommended Linde Ceramics to be approved for a Special Exposure Cohort, the decision was based on a lack of sufficient information to estimate the radiation claimants may have been exposed while working at the plant, and the Board specifically cited 42 CFR, Chapter 1, Subpart C, § 83.6 to back up their decision. I encouraged the Board to also use this section to grant a Special Exposure Cohort to the workers of Bethlehem Steel. Mr. Chairman, I ask you, can an accurate dose reconstruction model be built using only information and data from Bethlehem Steel? If not, then the Board and NIOSH need completely overhaul the current Bethlehem Steel site profile using the existing Bethlehem data, and not records and data from another

plant. I would also encourage the Board and NIOSH to work with Ed Walker and the Bethlehem Steel Action Group so they can apply for a Special Exposure Cohort. It is unconscionable to continue delaying compensation to these Cold War heroes and their survivors, and unfair to put the burden of proving a cancer-related illness on workers and their surviving families.

On July 27, 2005, Senator Clinton and I, along with our colleagues in the House of Representatives, introduced S. 1506, which would amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the energy employees occupational illness compensation program. Our bill would correct years of injustice for Western New York's nuclear workers. After the sacrifice these Cold War Heroes made for our country, they have waited far too long.

Being added to a cohort means that these former employees do not have to go through a dose reconstruction process. Instead, if a person has an eligible cancer and worked at a facility when weapons work was performed, their cancer is presumed to have been caused by workplace exposure and the person's claim is paid. This bill would finally put the former workers on the path to getting the recognition and compensation they deserve, and this is how we should correct this wrongdoing, not by endless bureaucratic red tape.

Again, I thank the Chairman, and the Board members for allowing me to submit testimony on behalf of the former nuclear workers in New York.