



Highlights of [GAO-10-302](#), a report to congressional requesters

## Why GAO Did This Study

Congress passed the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) in 2000 to compensate Department of Energy (Energy) workers for illnesses stemming from exposure to hazardous substances while working in the atomic weapons industry. Part B of the act provides a lump-sum payment and medical coverage for certain illnesses, while Part E compensates for impairments and lost wages resulting from exposure to toxins. The Department of Labor (Labor) adjudicates all claims and is assisted by the National Institute for Occupational Safety and Health (NIOSH) and Energy. GAO examined (1) claim-processing time, (2) costs of administering the program, (3) extent to which there are quality controls to ensure that claim determinations are supported with objective and scientific information, and (4) actions taken by agencies to promote program transparency for claimants. GAO obtained data on cost and claims processing from Labor and NIOSH, and interviewed agency officials, experts, and claimant advocates.

## What GAO Recommends

To strengthen quality controls and improve program transparency, GAO recommends that Labor provide for more external review, respond publicly to reports by its Ombudsman, and increase public access to site exposure data it uses to adjudicate Part E claims. Meanwhile, Congress may wish to consider amending EEOICPA to create an independent review board for the Part E program.

[View GAO-10-302](#) or [key components](#). For more information, contact Andrew Sherrill at (202) 512-7215 or [sherrilla@gao.gov](mailto:sherrilla@gao.gov).

# ENERGY EMPLOYEES COMPENSATION

## Additional Independent Oversight and Transparency Would Improve Program's Credibility

### What GAO Found

Cases that do not require dose reconstruction can take about a year to adjudicate, but those that do can take a total of 3 or more years. Such cases require an extensive scientific process to “reconstruct” the historical evidence on exposure, and this has made dose reconstruction the primary reason for lengthier processing times. The availability of claimant data and the need to rework some cases in view of new claimant information or changes to scientific methodologies involved in determining exposures can also affect processing times. Meanwhile, Labor and NIOSH have each developed ways to expedite case processing.

The administrative cost of EEOICPA reflects the requirements of a complex, science-based adjudication process. In 2008 this cost amounted to \$106 million for the Part B program and almost \$57 million for Part E. Administrative costs have averaged about 20 percent of the total program cost for Part B and 14 percent for Part E. A substantial factor underlying the greater administrative cost of the Part B program is dose reconstruction, which was required for about a third of all Part B cases.

Quality controls in the form of multiple internal reviews are in place for both Part B and E programs. However, only the Part B program employs external expert reviews, required by statute, which provide independent verification of the work. EEOICPA does not specifically require external review of the Part E program. As a result, Labor’s processes related to the adjudication of Part E cases, in particular, are not informed by any independent expertise outside the agency’s purview. For example, though Labor employs a contractor and a small team of internal experts to update its Part E database of work sites, toxins, and their associated diseases, the composition of this database lacks external review to ensure that it is as comprehensive and scientifically sound as possible. In addition, there is no oversight or independent review to ensure the quality of consultant physicians’ work for Part E.

The agencies have taken various steps to assist claimants and make more program information public; however, program transparency remains somewhat limited, in part because of national security considerations. NIOSH has worked with Energy to clear information for publication in the site profiles developed for use in reconstructing doses for Part B cancer claims. However, Labor has not taken similar steps with Energy to release data in the site exposure matrix used to adjudicate Part E claims. Meanwhile, NIOSH has established an ombudsman to help Part B claimants with their claims. While the act established an ombudsman within the Department of Labor, GAO found that Labor does not respond publicly to his annual reports on claimant concerns. As a result, claimants have little knowledge that their concerns are heard or that they are being addressed.