

**Dragon, Karen E. (CDC/NIOSH/EID)**

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**From:** Timothy Taulbee [taulbet@woh.rr.com]  
**Sent:** Thursday, June 03, 2010 7:25 PM  
**To:** NIOSH Docket Office (CDC)  
**Cc:** 'Timothy Taulbee'  
**Subject:** 194 - Ten-Year Review of the NIOSH Radiation Dose Reconstruction Program  
**Attachments:** Comments on DCAS role under EEOIPCA over the past 10 years.docx

Program Review Committee:

Please find attached comments that I would like to submit to the 10-year Program review of NIOSH radiation Dose Reconstructions. If you have any questions or would like further elaboration of these comments, please don't hesitate to contact me.

Sincerely,  
*Timothy D. Taulbee, PhD, CHP*

120 Fairfield Court  
Springboro, Ohio 45066  
(937) 748-1657

**Comments on DCAS role under EEOICPA over the past 10 years:  
How to return to solid scientific dose reconstructions**

By  
Timothy D. Taulbee, Ph.D., CHP

Since I have been a Health Physicist at NIOSH since 1997 and have over 15 years of Federal service, I thought it appropriate to provide some thoughts on the role of the Division of Compensation Analysis and Support (DCAS) under EEOICPA and how we can improve. As the first Health Physicist hired into DCAS in September 2001, the first Health Physicist to conduct a Computer Assisted Telephone Interview (CATI), the first Health Physicist to complete a dose reconstruction under EEOICPA, and one of the first Health Physicist to conduct a Special Exposure Cohort (SEC) evaluation, I feel I have a unique non-management perspective from which I can offer some insight into the 10-year review of this program.

One of the reasons I came to NIOSH back in 1997 was a desire to conduct radiation research to better understand the health effects of radiation exposure, and therefore contribute to occupational radiation protection. In order to conduct public health research, better methods of radiation dose reconstruction were needed for epidemiologic studies. This was what I was hired to do in 1997. During this early tenure I had the privilege to work under some NIOSH "old timers" who taught me a great deal about the history of NIOSH and the way NIOSH conducts exposure assessments. One of my first major lessons concerned the NIOSH triangle (Figure 1).

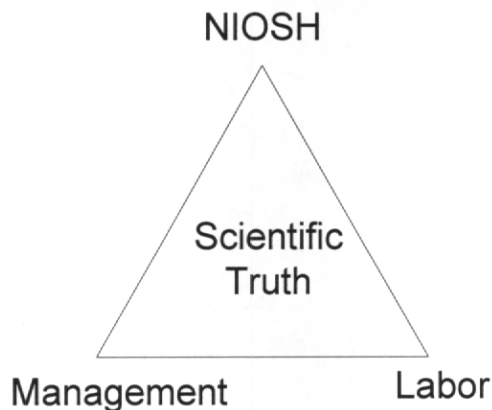


Figure 1: NIOSH triangle with a balanced approach to determining scientific truth

This triangle was explained to me in the following manner. Whenever there is a potential health hazard or occupational public health issue, NIOSH's job is to equally listen to both management and labor organizations (base of the triangle) in order to form a solid understanding (foundation) of the problem. In the words of a long term NIOSH researcher, management will only tell you one side (the side they want you to hear), labor will tell you an opposite side that supports their case and conclusion. The key lesson was that while neither side will directly provide false information, both sides are likely hiding

some of the scientific facts to illustrate their concern or lack of concern with regard to an exposure. Thus the truth was always somewhere in the middle. I was taught that NIOSH's role was to sort out the truth by conducting scientific analysis and evaluating the input from labor and management. We were, and are effectively, the referees in an occupational exposure assessment. This was why NIOSH sat at the top of the triangle. We had independence from both management ideology and labor ideology and didn't really care which way (ideology) the issue came out other than to report the scientific truth. This is one of the fundamental strengths of this Institute that, in my opinion, makes us a world leader in occupational safety and health. Upon learning this, I was sold on public health as a profession and career. In my opinion, NIOSH's background and expertise in balanced occupational exposure assessment is primarily why President Clinton tasked HHS with the responsibility to conduct radiation dose reconstructions under EEOICPA. We were the only government agency that had the independence and scientific ability to conduct fair, unbiased dose reconstructions.

When President Bush appointed the first members of the Advisory Board on Radiation and Worker Health (ABRWH), the NIOSH triangle was upset and put on an edge as only one representative from a labor organization was appointed to the Board (Figure 2). This created a major problem of distrust from labor organizations as management was given a more prominent role in providing advice to DCAS. In my opinion this was not the fault of DCAS but of the first introduction of political ideology into a scientific based compensation program. In my opinion, this was wrong and subsequently set off an unfortunate series of events.

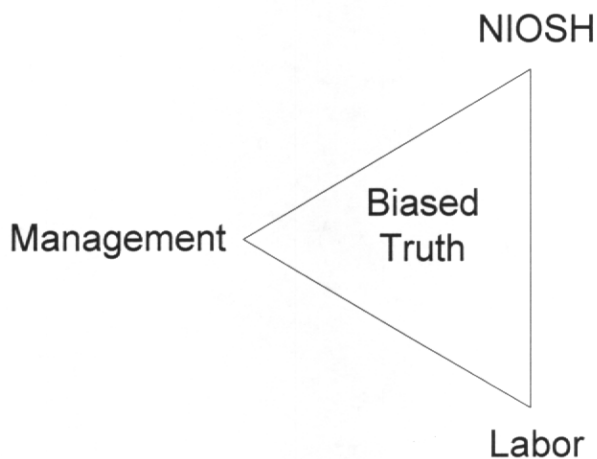


Figure 2: NIOSH triangle out of balance

After several Board meetings, the Board was set back into balance with the appointments of labor friendly individual's like Mark Griffon, and two additional labor representatives. At this point I really think the program was in the best position to succeed and carry out the mission of reconstructing radiation doses that were scientific, fair but also claimant favorable (Figure 3).

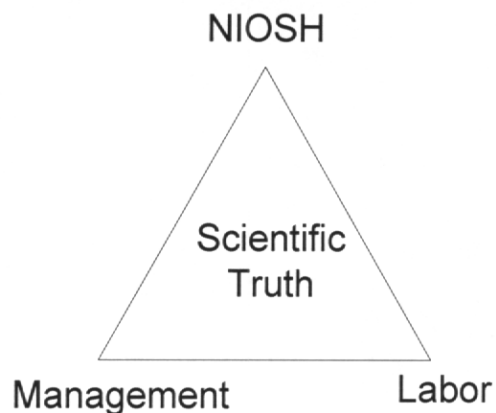


Figure 3: NIOSH triangle back into balance

Unfortunately, shortly after this point, DCAS began to be heavily criticized for not producing dose reconstructions fast enough. This criticism again upset the balance in that the science began to suffer. DCAS tried to do the best scientific job we could and still produce dose reconstructions to ward off severe criticism. Being one of the proponents for better science, I recall being told at the time that DCAS needed to get dose reconstructions processed without any major errors. The general perception was that DCAS will then try to revise the site profiles at a later date to include the minor exposure scenarios that may or may not be missing. This resulted in the first degradation of the outstanding science that NIOSH had been known for (Figure 4).

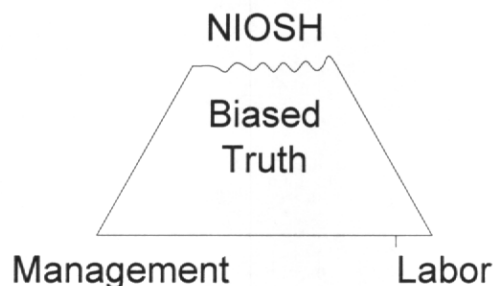


Figure 4: Unbalanced triangle demonstrating biased truth due to outside pressures to accelerate production instead of scientific completeness.

This was a management decision of which the merits can be debated forever. The argument for the accelerated approach was that if DCAS took too long to conduct dose reconstruction by requiring a strong peer review of our scientific methods, the compensation program might have been cancelled due to timeliness. Please note this is around the same time that Congress amended the law to put a 180 day restriction on SEC evaluations so this acceleration argument was not unreasonable and had a lot of merit. From the non-management research scientist perspective, it appeared that, in the eyes of the politicians, activists, & lobbyists, timeliness mattered much more than scientific accuracy so DCAS





initial lesson at NIOSH back in 1997, I learned firsthand during two Health Hazard Evaluations that both management and labor will illustrate facts that support their position and not discuss facts that are contrary to their position. Thus neither will necessarily support the science (truth). With the recent movements among the Chairmanship on the ABRWH and the addition of only labor friendly appointments to the Board, the NIOSH line is now even turned on the end (Figure 6).

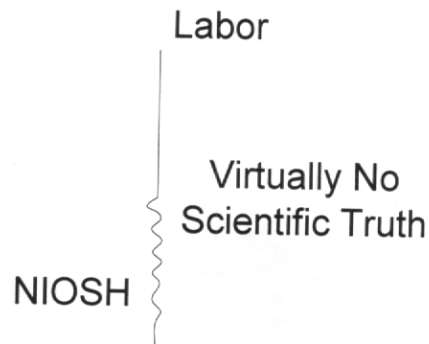


Figure 6: Unbalanced with science at a disadvantage resulting in virtually no scientific truth.

I find the current situation to be scientifically unpalatable and inappropriate. The current degradation of science as observed in the recent past concerning Special Exposure Cohorts (SECs) at the Nevada Test Site, Mound, and Bethlehem Steel inspired me to provide input into this ten-year review in hopes of changing course to help DCAS get back on track. As a result of the current situation, I offer the following recommendation to the DCAS program to try to restore the scientific balance.

### ***Recommendation***

While DCAS really cannot control anything the ABRWH does, nor should we as the Advisory Board must be independent to provide advice to the Secretary, what NIOSH/DCAS can do is get back to conducting solid peer reviewed science. Thus my sole recommendation to the ten year program review committee is that DCAS institute a formal scientific review process using outside independent peer reviewers (not the ABRWH, and not SC&A). One of the reviewers must be from the scientific community to represent the non-biased science; one reviewer must be from a labor organization to provide valuable worker insight, and a third must be from site management to obtain a balanced perspective. This tripartite review should be conducted on all NIOSH methods and documents to help; 1) re-establish NIOSH/DCAS scientific credibility, 2) build trust among labor organizations, and 3) promote more cooperation and trust from DOE sites to support future occupational epidemiological studies conducted by either NIOSH staff or our various partners at academic institutions.

I recall back before DCAS was ever formed, shortly after EEOICPA was enacted, the Acting Director of NIOSH, Dr. Larry Fine, for whom I have great admiration and respect, indicated that he didn't really want NIOSH to have EEOICPA, because he felt that if we followed the science, as NIOSH was known for, sooner or later we were going to have to say no to workers and the political ramifications of doing so could hurt the Institute. In my opinion, Dr. Fine's foresight was dead-on accurate. DCAS initially tried to

speaking the scientific truth. This truth was met with a well organized barrage from politicians, activists, lobbyists, and unfortunately even some labor organizations. The result has been that DCAS has sacrificed the scientific methodology to appease these organizations who may not like the scientific truth. We need to return to the NIOSH triangle and conduct solid peer reviewed science (Figure 7).

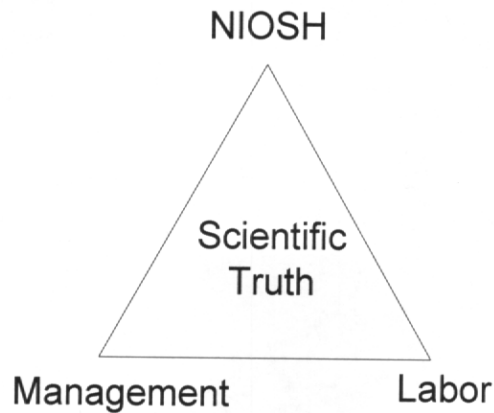


Figure 7: The return to scientific truth by using the NIOSH triangle.

In closing, I thank you for allowing me the opportunity to provide this input and strongly recommend that a tripartite peer review process be instituted. I close with a favorite quote from President Barak Obama.

*"The truth is that promoting science isn't just about providing resources—it's about protecting free and open inquiry," President-elect Obama said. "It's about ensuring that facts and evidence are never twisted or obscured by politics or ideology. It's about listening to what our scientists have to say, even when it's inconvenient—especially when it's inconvenient. Because the highest purpose of science is the search for knowledge, truth and a greater understanding of the world around us. That will be my goal as President of the United States..." (President-elect Barak Obama, 2008)*

Thank you for your time,

Tim