

BACKGROUND INFORMATION

The EEOICPA is a law passed by the fine men and women of Congress in 2000 who realized the consequences of the horrible working conditions to which many hard working employees of this country had been exposed, and knew that something should be done to compensate these employees for their sicknesses and suffering. Many had already died, so provisions were made to compensate their survivors. To compensate each employee fairly and equally under the law would be a huge job. As in any program of this magnitude, some revisions would have to be made as unique situations became known. These men and women of Congress knew that this could not be a "one size fits all" situation. To their credit, and according to Senate proceedings, much time and effort was expended by many well-intentioned people. Many of the victims, with the help of these influential officials in high governmental positions, have been justly compensated. However, to those of us who have not had the advantage of help from powerful officials, it appears that our claims have fallen through the cracks. Since no records were kept, and so little is known about us, we have been forgotten.

My was an employee of Mathieson Chemical Company in Pasadena, Texas for approximately 29 years, beginning in 1949. This plant site is one of the many that was named as a "Covered Facility" under the EEOICPA. According to DOE Facility List, "There was one record found for the facility: Mathieson Chemical Co.". In this age of computers and cell phones, I know how unbelievable this can be for many younger people. Mathieson Chemical Company is the "forgotten" plant site.

I am 78 years old. The world in the 1950s was quite different from the world of today. According to the EEOICPA, uranium was first placed in the Mathieson Chemical Company plant site in 1951. This was approximately sixty (60) years ago. I did not meet my husband until 1952. We married 1953. I am writing this part, not to give you a glimpse of small town history or to bore you, but to give an understanding of conditions as they were here at that time. With all due respect, I believe that most who determine the outcome of our claims do not understand how our world really was and the actual conditions that existed then. This could be mostly due to being in another generation. I implore you to bear with me.

At that time, Pasadena, Texas was a small town. Some major streets were not yet paved. Many families felt a sense of accomplishment because they could have a small home which had three small bedrooms, one bath, and a one car garage. We bought one of these three bedroom homes in October 1953 with the help of financing from the G.I. Bill due to my husband's military service. This was typical of the living quarters of the average employee at a chemical plant or refinery in this area. We were so proud when we moved into our new home in a new subdivision. We moved all of our possessions in two or three trips using a car and a pickup truck. Our house payment was \$78.00 per month. We had some worries about that, but we were young and both of us had full time jobs.

Two years later, In 1955, our first child was born. We were so fortunate. the state highway along the Houston, Texas ship channel from Pasadena to LaPorte, Texas was only a two-lane road. Only part of what is now the Gulf Freeway (I-45), the main traffic artery from Galveston on the Gulf of Mexico, through Houston and on to Dallas, Texas, was more than two lanes. It had little comparison to the route ranging from four to twelve (or more) lanes (and interchanges) which we now have.

This was the type of neighborhood and the standard of living for many employees of Mathieson Chemical Company in the early 1950s. These families did not have the "extras" that now seem to be necessities. This was long before the age of technical devices (cell phones, computers, etc.) which we enjoy today. This was before many people here had air conditioning. Our new house was not air conditioned. You probably do not understand what it means to have no air conditioning unless you have experienced the hot, humid Texas summers here. Many of us still did not have television. We enjoyed the simple things of life and worked hard to provide more for our families and to educate our children. We had a lot of friends and enjoyed being with them. We spent a lot of time with them and formed strong friendships. We had very little money. Some of our older friends and relatives had never been out of the state. Some had never been out of the county in which they were born. We were patriotic and respected our government officials, our local leaders, and our employers. Mathieson employees did not know they were in danger from uranium and toxic materials. They did not know that their work site and possibly their mere presence on a work assignment could cause them such physical damage and pain in later life. These were the employees who were put in harms way without their knowledge or consent. We would never have thought that our company officials or government officials would harm us in any way.

In this atmosphere, it is not hard to understand how a secret like this uranium could have been kept from the employees. The employees were trusting and would not have expected anyone to put them in danger. I have been told that the few employees who knew about the uranium were sworn to secrecy. They probably thought they were doing their patriotic duty by keeping the secret. Some have probably had many sleepless nights since they realized what actually happened.

I do not pretend to know much about uranium. I do know it can be dangerous. All I know about radiation exposure is what I have read and learned about it in the last few years since I filed a survivor claim. I have neither the scientific nor intellectual capability I would like to have for handling this claim. I am still guilty of being too trusting. When I heard about the EEOICPA, I felt that high officials in our government now knew about what had happened at the Mathieson plant. This news answered a lot of questions for us about certain things that had happened over the years. Mathieson was on the "Covered Facilities" list, so I thought "they" knew what had caused my husband's cancers. I was so naïve. I thought someone would help me. I thought that all I had to do was meet the basic requirements, get his medical records, his death certificate, our marriage record, and fill out an application (as in Social Security). I thought that some claims representative would tell me what I needed and help me get it. I filled out the short application which was sent to me. I gave very little information because the time period for this uranium

project began in 1951, before I had met my husband. I did not know some of the information, and I had forgotten other information that would have been significant. I did not know what information was actually required. Memory can be elusive when it pertains to events over 50 years ago. This happened in the early 1950s, and I learned that other employees did not know about the radiation exposure until I told them what I had just learned. I thought someone would tell me if I needed to supply more information and would give me a chance to produce it. I was asked if I had any other information. What information were they asking about? I did not know what was significant to the processing of my claim. I was seeing information that I knew to be incorrect. I am sure they were getting tired of my questions. It seemed that they were most interested in a closing interview and an OCAS-1. In a letter dated January 5, 2004 to Mr. Larry J. Elliott I returned his OCAS-1 on which I answered every question with a "No". I also added a note that this form was not now appropriate. In a letter to me dated April 2, 2004, from Mr. Elliott, I was told that they "may administratively close the dose reconstruction and notify DOL of this action" without receipt of a properly signed OCAS-1 form. At this point I still did not know whether they were using Blockson Chemical Company in Joliet, Illinois or Mathieson Chemical Company in Pasadena, Texas as my husband's place of employment. My first Dose Reconstruction Report was made in October 2003 and the primary data source used was "Basis for Development of an Exposure Matrix for Blockson Chemical Company". I had been asked to provide proof of my husband's employment and on March 30, 2004 I had mailed a letter dated March 29, 2004 with the proof. The revised Draft NIOSH Dose Reconstruction Report, (completed 3/13/2004 and approved 4/1/2004) was also sent to me in the above-mentioned letter dated April 2, 2004. I had questions about these dates as well as other questions which have still not been answered. I did sign an OCAS-1 on April 12, 2004 because I thought my claim was about to be closed. In a letter dated April 19, 2004 from Mr. Elliott I received the final NIOSH Report of Dose Reconstruction which appears to be identical to the report completed 3/13/2004. In a letter dated April 23, 2004 from Mr. Norman L. Fisher, I received a Recommended Decision to deny my claim. I appealed this decision, but after a Dose Reconstruction Report has been made, nothing else matters. At the Hearing on September 1, 2004, the Hearing Representative told me and my son that she was not in a position to discuss the way in which NIOSH goes about preparing the dose reconstruction report. She said she was there to take our objections and enter them into the evidence of record. It was clear to us that the Dose Reconstruction Record took preference over consideration of anything else. The Hearing Representative accepted my record regarding the sudden, mysterious death in 1953 of _____ who was an employee in the Lab at Mathieson and also my affidavits from four employees who stated among other things that no records were kept and they had not been aware of the presence of uranium in the plant. (See Exhibit C.) I have had no information about whether or not this record and these affidavits were given any consideration. I am now resubmitting these affidavits along with an affidavit from _____ regarding events at that time. _____ was an International Representative of Oil, Chemical and Atomic Workers International Union. (See Exhibit B.)

I thought that Mathieson Chemical Company and/or the Government had all the other information that would be needed and that the Company and/or the Government would

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supply this information. I thought the basic information I had submitted would be validated and then I would be told what else was needed. It was really a surprise when I found out that nobody had any records, I had no explanation of the discrepancies, and that my claim was about to be closed. My husband had died in 1994. I filed my survivor claim in 2002.

I learned that the government did not even know where my husband had been employed. They thought he had been employed at Blockson Chemical Company in Joliet, Illinois. They did not know anything about him or about Mathieson Chemical Company in Pasadena, Texas. Also, no powerful senator or influential official was going to help me. I knew that I was the person who had to get more information. I do have more information that I would like to add to my claim. Please consider the enclosed Exhibits and attachments. I have obtained this information from other employees, friends, and public records. I have learned more about what type of information is needed. Since no records were kept, no monitoring was done, no safety precautions were taken, and even employees did not know about this, there is no way a dose reconstruction report made now on unknown events occurring almost 60 years ago can be credible. The situation at Mathieson Chemical was unique. This cannot be just a simple "Yes" or "No" decision. Too many issues are involved. The Mathieson Chemical secret was still secret. Although the Dose Reconstruction Report is said to be made in favor of the claimant, the claimant is still denied. The report does not explain why so many employees have died of cancer (or multiple cancers) even though, according to the dose reconstruction report, the radiation dose was insufficient to produce cancer.

I have also learned that it is not feasible to attempt to develop credible information for a dose reconstruction report for a time period that long ago when there are no records. It is impossible to duplicate working conditions, work assignments, actual work activity, planned schedules and activities versus unplanned but actual circumstances, physical condition of each employee, mental and emotional temperaments, and any other matters which could have had an effect on these employees. That information does not exist. There are too many unknowns. How can you show documents that do not exist? No record is made of any onsite inspection before 1977 which is approximately 25 years after uranium was placed in the plant. This survey made in 1977 was made by Oak Ridge National Laboratory. The survey was made only of one room (12 x 14 ft) in a one-story building and was made at the direction of company officials who told ORNL that the entire uranium plant operation of 1951 – 1953 was conducted there. This room was not air conditioned and the diagram of this room does not show any windows. No other area of the Mathieson Chemical Company was surveyed at that time and no other part of the plant was considered relating to my claim. For a copy of that survey, see Exhibit I. This survey makes no mention of phosphoric acid being piped from process to the pilot plant, treated acid being returned to fertilizer processing, and then being recycled back into the acid. It also makes no mention of the vessels, pumps, and lines used. These are mentioned in a letter dated April 12, 1979 from _____ of Olin Chemicals Group to Mr. William E. Mott of the Department of Energy. (See Exhibit I for this also.). Were all these activities for the period of 1951 – 1953 and all of this equipment confined to this 12 x 14 ft room which had no air conditioning and no ventilation? Being in this room

for any length of time, especially in a Texas summer, would have been harmful even without any toxic chemicals or uranium. In fact, the above-mentioned survey, made in 1977 and documented in 1980, states under "Present Use of Facilities" that "The room is currently used for storing janitorial equipment.". What was going on at Mathieson Chemical? No one will tell.

Appendix A-1 Residual Radioactive Contamination – Summary of All Sites (As of October 31, 2008) shows a Revised Evaluation Finding that Potential Exists and a Revised Period of Potential Residual Contamination of 1954-present. (See Exhibit A.) I can find nothing describing the Potential Residual Contamination at Mathieson Chemical Company. The 240 acre pile of hazardous chemical waste materials is not mentioned. The presence of uranium in the plant was kept secret from employees. Company officials and Government officials kept this secret as other officials are known to have done in other locations where employees were put in harms way. Many facts concerning this secret are still unknown. In the meantime, NIOSH has considered incorrect information related to my claim.

I know that many intelligent, scientifically proficient minds worked hard to provide a way to measure the radiation exposure of these employees. They were faced with an extremely difficult undertaking. They felt they had to produce a convincing idea that probability is sufficient basis for belief and action since certainty in knowledge is unattainable. This probabilism may fit many situations. But what about the exceptions? What about employees who did not fit the "probable" rules? These were not robots. They were real people, and each individual was different. The reality of the situation is that some did not fit into that box. To reach a credible end result, please remember that basic information given by company officials was given to protect their secret. They had a secret and were perpetuating that secret. Please consider the information I am submitting.

My husband worked at Mathieson Chemical Company from 1949 – 1978. He had several different job positions and employee activities, any one of which would have placed him in any area of the plant frequently. (See Exhibit D.) He was not aware that he could be in danger. He expected his worksite to be safe. No safety precautions were taken. He did not expect any unusual happenings. In the early 1950s the average person knew very little about the danger of uranium. Even if he had known about the presence of uranium in the plant, he still might not have been alert to the danger. No warning signs were posted. In 1986 he was diagnosed with cancer and in 1994 he was diagnosed with cancer of t In 1969 he had disease. Shortly before he died, his doctor told me his was cancerous. (See Exhibit E.) Are all these coincidences? All four of these diseases are on the list of "22 specified cancers" covered under the EEOICPA

The claim I submitted lacked significant information in regard to my husband's employment as well as other significant information I have found since my claim was denied. My claim was denied based on information in the NIOSH Technical Information Bulletin: "Technical Basis for Estimating the Maximum Plausible Dose to

Workers At Atomic Weapons Employer Facilities”, dated December 2003. This Technical Information Bulletin was revised 08/12/2005 and again 12/06/2006. The last action taken on my claim was February 9, 2005.

Also, since my claim was denied, The Office of Compensation Analysis and Support (OCAS) has approved Document No, OCAS-IG-001, Effective Date 11/21/2007, Revision No. 3 which is “External Dose Reconstruction Implementation Guideline” Pages 1 - 77 - Document No, OCAS-TKBS-0002, effective Date 11/21/2007, Revision No 2, “Technical Basis Document for Atomic Energy Operations at Blockson Chemical Company, Joliet, Illinois” Pages 1 – 46, and Document No. OCAS-IG-004, effective date 08/21/2008, “The Use of Data from Other Facilities in the Completion of Dose Reconstruction Under the Energy Employees Occupational Illness Compensation Program Act” Pages 1 – 11 which have a direct bearing on my claim.

I welcome the opportunity to tell what I have learned and respectfully ask you to reopen my claim and consider these documents I am submitting. I believe my claim should not have been sent for a Dose Reconstruction Report. I believe it is not feasible to make a Dose Reconstruction Report. No records were kept and no other worksite compares with the situation at Mathieson Chemical Company. No credible information concerning the Mathieson plant site was used in this Dose Reconstruction Report. My claim should be considered under the Special Exposure Cohort section of EEOICPA.