

Comment on Proposed ACUS Recommendation: Agency Guidance Through Interpretive Rules

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The Alliance of Nuclear Worker Advocacy Groups (ANWAG) appreciates the work of the Administrative Conference and for the opportunity to submit written comments on the recommendation concerning Agency Guidance Through Interpretive Rules. ANWAG endorses these recommendations.

ANWAG advocates for the claimants under the Energy Employees Occupational Illness Compensation Act of 2000, as amended (EEOICPA). This compensation program is administered by the Department of Labor with support from the Department of Energy and from the Department of Health and Human Services.

ANWAG members have monitored this program since its inception and have brought concerns to the federal agencies responsible for this program, Congress and the press. EEOICPA is a remedial statute intended to correct the decades of injustice the Department of Energy employees, contract and subcontract employees experienced when filing compensation under state workers' compensation system for illnesses that arose from exposure to radiation and toxic substances.

We are pleased that the Administrative Conference recommended reaching out to the public, including organizations representing the affected population, for input on certain policy statements and interpretive rules prior to the publication by an agency. While ANWAG members historically have interacted with all of the agencies involved with EEOICPA over the years, it was never as a collaborative effort to ensure that Congressional intent to compensate the workers sickened by exposures in Department of Energy nuclear weapons facilities. Instead, our interaction was more of a reaction after the fact to a policy or rule issued by the agencies.

Again, we thank you for your work on this important issue. ANWAG will continue to reach out to the agencies using, the awareness of these recommendations, to ensure that claims under EEOICPA are adjudicated in a fair and timely manner and that decisions reflect the intent of Congress.