Hanford Workers Compensation

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Hanford Challenge

- Non-profit watchdog organization whose mission is to promote a safe and effective cleanup of radioactive waste at the Hanford nuclear site
- Pushes for greater accountability, transparency, and reform
- Advocates for workers when the federal government undermines safety and effectiveness of the cleanup program
Hanford Nuclear Site

- World’s first plutonium production facilities
- DOE signed cleanup agreement May 15, 1989
- Hanford has two-thirds of the nation’s High-Level Waste
- Cleanup expected to cost over $300 billion and end in 2079 in latest best case scenario
Workers’ Health

● Workers exposed to tank vapors have suffered **serious long-term health effects**

● **Long latency period from time of exposure to illness** make assess health health damage difficult

● **Tanks hold tens of millions of gallons of high-level waste** that are harmful in microscopic quantities
Inequitable Workers’ Compensation

- Hanford workers’ claims are denied at five times the rate of other self-insured employers
- Hanford workers are forced to undergo Independent Medical Exams
- Hanford workers who contest the denial of their claims are met with aggressive DOE legal tactics
MOU with Washington State

- DOE is a **self-insured employer** through WA L&I
- DOE uses third-party contractor, Penser North America, to process claims
- L&I has the final say over whether claims are approved or denied
A Solution: Organize

- **Problem**: heavy burden placed on workers during the workers’ compensation process

- **Hanford Challenge**
  - *Built a coalition* with Hanford workers, local 598 union, state legislators, Governor Jay Inslee
  - *Developed and passed a law* to support workers
The Presumption Law

- Passed in March 2018, effective June 2018
- **Reduced** burden of proof:
  1. Worked a specified area
  2. Worked 8-hour shift
  3. Have a covered illness

Photo: Hanford Challenge

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Hanford Workforce Engagement Center

- Opened April 2018
- **Collaboration** of DOE, Hanford workers, and two unions
- **Purpose**: to help workers and their families with occupational health concerns
- Located in Richland, WA

Photo: [https://www.hanford.gov/hwec/](https://www.hanford.gov/hwec/)
In December 2018 the Department of Energy sued the state of WA over the presumption law.
The DOE argues the law regulates and discriminates against the federal government.
WA state argues the law is allowed under the Tri-Party Agreement.
Claims Process in Dispute

- In the year since the Presumption Law was passed, Labor and Industries estimates that **131 claims were filed citing the presumption law**
  - **60 of these claims were accepted, 20 were denied**
- Although the claim process is supposed to be straightforward, the **third-party administrator buries workers in bureaucratic barriers**
- The Hanford Worker Engagement Center helps workers overcome these barriers, and has helped over 1,000 workers understand state claims paperwork.
Future For Workers?

At Hanford, workers comp can be 'humiliating' system

Gov. Inslee signs Hanford worker's comp law

Hanford workers’ comp program fails sick employees, report finds

Governor, AG vow to fight Feds’ suit to repeal Hanford sick worker law

- Hearings for the dispute were held on May 22nd. A ruling is expected within two weeks
- This will likely start a legal journey of appeals
Future Recommendations

1. Continue to evaluate the effectiveness of the law
   - # claims submitted, accepted, denied
   - Lonnie Rouse’s story

1. Empower Washington State L&I to:
   - Educate Penser about the law and best practices
   - Enforce reduced stipulations of the law

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Anonymous DOE contact

Hanford workers and their spouses
Questions?