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FISCAL IMPACT REPORT

SPONSOR: Ruiz DATE TYPED: 3/5/03 HB HJM 16/aHLC

SHORT TITLE: Energy Employees Occupational Illness SB

ANALYST: Dunbar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

Department of Health (DOH)

SUMMARY

Synopsis of HLC Amendment

The House Labor and Human Resources Committee amendment clarifies language pertaining to the types of rare cancers that are caused by “radiation and chemicals”

Synopsis of Original Bill

House Joint Memorial 16 requests that the state’s congressional delegation support reforms to the federal Energy Employees’ Occupational Illness Compensation Program Act of 2000. HJM 16 specifies that employees of U. S. Department of Energy (DOE) facilities who were made ill due to exposure to radiation, beryllium and other toxic substances be compensated for their illness. The memorial notes deficiencies in the present implementation of the Act and makes nine specific resolutions to address these deficiencies.

Significant Issues

HJM 16 states that thousands of New Mexicans have risked their lives and good health in the service of their country. Some of these individuals were exposed to radiation and toxic sub-

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stances at federal DOE facilities during the Cold War era. The memorial notes that a federal law was passed to compensate these New Mexicans. However, the number of New Mexicans receiving compensation benefits is disproportionately smaller than the number compensated in other states. HJM 16 notes that too much time is required to prepare, review, and settle the claims. HJM 16 specifies 180 days for DOE to review claims.

HJM 16 states that chronic renal disease in workers exposed to uranium should be recognized as a compensable illness, and that special cohorts should be established for specific employee groups.

OTHER SUBSTANTIVE ISSUES

HJM 16 notes deficiencies and inequities in the present implementation of the Act such as:

- The number of benefit recipients in New Mexico is small compared to other states;
- Delays in access to records and in processing claims;
- Conflicts of interest of a federal contractor responsible for dose reconstruction;
- State workers' compensation programs not willing to pay for meritorious claims.

HJM 16 states that on August 14, 2002 the United States Department of Energy (DOE) issued regulations to implement a portion of the Act to provide physician-panel determinations on occupational illnesses. According to HJM 16, the DOE is encountering significant delays in securing physician panel review of claims.

AMENDMENTS

DOH suggests the following amendment:

On Page 4, Line 10, E could be amended to read:

“when chronic renal disease in workers has been determined to be caused by exposure to uranium or other nephro-toxic substances present in occupational settings at department of energy facilities it will be recognized as a compensable illness;”

This language in HJM 16 appears to uniquely link chronic renal disease and worker exposure to uranium, although it is unclear if this has actually been established.

BD/prr:njw