

Beryllium Testing Fairness Act

Beryllium is a highly toxic metal that played an integral role in the development of America's nuclear weapons stockpile. While many former workers knew of the radiation risks at their sites, [records show that the federal government did not share the risks of beryllium exposure with workers](#) or take adequate steps to protect them. In recognition of the government's failure to protect past workers and the continuing dangers of beryllium to current workers, the *Energy Employees Occupational Illness Compensation Act of 2000* (EEOICPA) developed a compensation program for exposure to beryllium in the workplace. Administered by the Department of Labor, EEOICPA provides cash and medical benefits for conditions caused by occupational exposure to beryllium to former and current nuclear weapons complex workers and their survivors.

The problem: In order to qualify for benefits for occupational exposure to beryllium, workers must have one abnormal result on a blood test, the beryllium lymphocyte proliferation test (BeLPT). [The definition in statute for this blood test is outdated according to the latest medical science](#). The statute does not address "borderline" test results to this blood test. Some individuals have persistent borderline test results on multiple tests. While rare, these individuals are still at risk of progressing to chronic beryllium disease, a serious condition that is incurable. Experts have recommended the statutory definition of beryllium sensitivity be expanded from one abnormal test to also include "three abnormal borderline test results." They note that [by being overly narrow, the definition prevents workers who are at greater risk of progressing to serious illnesses from accessing the benefits they need and deserve](#).

Senator Murray's Solution

The Beryllium Testing Fairness Act expands the definition under EEOICPA so that three borderline test results would qualify. This expanded definition has already been adopted by federal [OSHA](#), [Washington state Labor and Industries](#), and [National Jewish Hospital](#) in Denver – considered among the foremost experts in the world on BeLPT and diagnosis and treatment of chronic beryllium disease. DOL's independent Advisory Board on Toxic Substances and Worker Health has also called for this change.

The bill also reauthorizes the Advisory Board on Toxic Substances and Worker Health for EEOICPA, which reports to the Secretary of Labor. The Board is slated to sunset December 19, 2024. The Advisory Board is instrumental in helping improve the federal compensation process for workers, to gain the health care and benefits they deserve. One of the recommendations the Board recently made was to expand the definition in EEOICPA to three borderline test results, which the first portion of Senator Murray's bill does.

Supporting Organizations

The legislation is supported by the Hanford Worker Engagement Center, American Thoracic Society, American College of Occupational and Environmental Medicine, National Jewish Health, Department of Environmental and Occupational Health, Colorado School of Public Health at the University of Colorado, and the Center for Health, Work & Environment, Colorado School of Public Health at the University of Colorado.