

United States Senate

WASHINGTON, DC 20510

March 8, 2017

April Stephenson
Acting Inspector General
Office of the Inspector General
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Acting Inspector General Stephenson:

We write to request the Office of the Inspector General (OIG) complete a follow-on assessment on the safety environment at the Hanford Nuclear Reservation (Hanford). As you know, the OIG issued a special report last fall that examined whether employees at Hanford fear retaliation. It also assessed the status of actions underway by Washington River Protection Solutions (WRPS) to implement the 2014 Hanford Tank Vapor Assessment Report (Report) recommendations.¹ We further request that this follow-on assessment be expanded to include a review of Penser North America, Inc. (Penser) and the workers' compensation claims process at Hanford.

Penser has a contract with the U.S. Department of Energy (Department) to serve as the third-party administrator of the Hanford Site Workers' Compensation program. We have heard concerns from Hanford workers and labor unions about their experience with Penser inadequately addressing workers' compensation claims following chemical vapor exposures.

Although Washington state law dictates the terms of the workers' compensation program through the State of Washington's Department of Labor and Industries, the Department is responsible for the selection and oversight of the third-party administrator. We believe the Department has a responsibility to review the performance of that administrator. Multiple accounts of workers' compensation claims being dismissed on arbitrary grounds, tactics bordering on intimidation, and actions taken to discredit claims have been shared with us. These allegations are very troubling and we urge the OIG to take immediate action. Specifically, the OIG should investigate the treatment of workers and claims throughout the tenure of Penser's contract with the Department.

To help inform our continued efforts to improve the safety environment at Hanford, we ask the OIG to return to Hanford to assess the actions taken by WRPS to implement the recommendations in OIG's 2016 special report and review the workers' compensation claims process administered by Penser. As part of these reviews, we respectfully request the OIG address the following:

¹ U.S. Department of Energy Office of the Inspector General, *Department of Energy's Actions to Address Worker Concerns Regarding Vapor Exposures at the Hanford Tank Farms*, OIG-SR-17-01 (Nov. 2016).

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1. Review any allegations of harassment and/or intimidation in relation to workers who have filed workers' compensation claims due to workplace related injuries or illnesses at Hanford.
2. Does the Department perform any form of oversight on the third-party administrator, Penser? Is there any oversight specific to the management of claims? If not, why not?
3. To what extent, if at all, does the Department work with the third-party administrator, Penser, to administer the workers' compensation claims program?
4. Are the doctors and/or medical providers selected by Penser qualified to determine health conditions caused by exposure to chemicals at Hanford? What methodology is used to ensure the doctors and/or medical providers are qualified?
5. Are the doctors and/or medical providers selected by Penser provided all of the necessary and relevant information related to a workplace injury or illness to make an accurate determination?
6. Please detail the number of workers' compensation claims which have been approved for a workplace injury or illness caused by chemical vapor exposure. Further, please provide the number of workers' compensation claims denied in which chemical vapor exposure was detailed as the cause.
7. Develop a process by which the OIG conducts annual reviews on the implementation of current and future recommendations on health and safety practices at Hanford.

Finally, the concerns raised by workers about Penser are further heightened by the Department's decision on January 31, 2017 to stay important protections provided to whistleblowers pursuant to a previous regulation.² We fear that halting this regulation would discourage whistleblowers from stepping forward with safety concerns and workers from raising concerns with health and safety practices.

Thank you for your attention to these important matters.

Sincerely,



Maria Cantwell
United States Senator



Patty Murray
United States Senator

² U.S. Department of Energy, *Procedural Rules for DOE Nuclear Activities*, 82 Fed. Reg. 8807 (Jan. 31, 2017) (final rule; stay of regulations).