



Government should bear the burden of proof in Compensation cases

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Last year, after decades of denial, the U.S. government made a historic acknowledgment: It had put 600,000 people who worked in its nuclear weapons program in harm's way and, as a result, made many sick. Subsequent legislation gave some workers with certain diseases the right to apply for compensation or medical treatment. It was the most dramatic about-face in nuclear history. Then-Energy Secretary Bill Richardson's decision to become a champion for these workers makes him, and the United States, stand tall. No other nuclear weapons state has yet to come even close.

Since 1942, atomic workers have labored in scores of facilities across the country, including 10 sites in Missouri. Some workers in some plants suffered radiation doses so huge that they were practical death sentences. Such workers probably suffered severe kidney damage well before they got cancer, and no dialysis was available then. There is clear evidence that the safety standards of the time were violated and the government and its contractors colluded to keep that knowledge from workers.

Now, although it took courage to make the historic admission of wrongdoing, the U.S. government may squander the goodwill and trust that could accrue from the compensation program. The devil, as usual, is in the details.

Apart from four facilities (the three uranium enrichment plants in Tennessee, Kentucky and Ohio, and the Amchitka test site in Alaska), workers will not be given the benefit of the doubt if they get one of the cancers listed in the law. Instead, they will have to prove that their radiation doses were more likely than not the cause of the listed cancers. For many or most workers, this is likely to an impossible task for no fault of their own. Worker dose records at many of these plants are incomplete and, in many cases, shockingly deficient. In some cases they may be fraudulent, being tainted by data fabrication. The dose estimates resulting from such records will have huge uncertainties and may remain scientifically indefensible.

Sloppy and incompetent science on health and environmental issues was routine throughout most of the history of nuclear weapons production. For instance, the Department of Energy has admitted that, until 1989, no effort was made to calculate internal radiation doses to workers arising from the inhalation or ingestion of radioactive materials. At the Fernald plant near Cincinnati, Ohio, where uranium for [plutonium](#) production reactors was processed, most workers in the 1950s and early 1960s were overexposed due to uranium inhalation, with about 90 percent being overexposed in 1955.

The pattern of keeping health and environmental abuses of their own people secret in the name of national security is fundamentally anti-democratic. It presumes that the people would not make sacrifices for the security of their country. It presumes that top nuclear bureaucrats can make life or death decisions in defiance of established laws, norms and regulations without the informed consent of the people.

Nuclear weapons workers should be given the benefit of the doubt and compensated. Many are sick now and don't have time to wait for bureaucratic procedures to see if their radiation doses can be



reconstructed. For large numbers of workers, the poor state of the records makes it unlikely that even a long, expensive process would result in accurate dose estimates. It is unfair and unjust to impose the burden of proof on workers now when the government did not do its job well then.

The government should assume the burden of proof. This would help redress some of the harm and set a standard that other nuclear weapons states would do well to follow. The United States should not fritter away a historic opportunity for expanding justice and democracy by example.

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