

## DOL's Policy and Procedure Manual, Chapter 2-1000 Eligibility Criteria for Non-Cancerous Conditions

18. Hearing Loss. Hearing loss can be compensable under Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) if such loss arises as a result of exposure to one or more of the organic solvents listed below in conjunction with employment in at least one of certain specified labor categories during a prescribed timeframe.

a. Conditions for Acceptance. To be compensable, all of the following conditions must be satisfied for the employee:

- (1) Exposure to certain specific organic solvents for 10 consecutive years; and
- (2) Verified covered employment within at least one specific job category for a period of 10 consecutive years, completed prior to 1990; and
- (3) Diagnosed sensorineural hearing loss in both ears (conductive hearing loss is not known to be linked to toxic substance exposure).

If an employee has a diagnosis of sensorineural hearing loss in both ears, and the employee was exposed to one of the listed chemical solvents, and worked in one of the listed labor categories for the required concurrent and unbroken 10-year period, then the claim can be accepted for the covered illness of hearing loss.

b. Organic Solvents. Compensable claims for sensorineural hearing loss due to organic solvent exposure must have evidence in the case file that the employee was concurrently exposed to certain specific organic solvents and worked within a certain job category for a consecutive and unbroken period of ten years, completed prior to 1990. Experts have determined that at least one of these organic solvents would likely have been used in covered facilities prior to 1990. Currently, the only organic solvents shown in research literature to contribute to sensorineural hearing loss are the following:

- Toluene
- Styrene
- Xylene
- Trichloroethylene
- Methyl Ethyl Ketone
- Methyl Isobutyl Ketone
- Ethyl Benzene

(1) Evidence (either from the Site Exposure Matrices or some other, probative source of exposure information) must establish exposure to at least one of the above listed

solvents. Exposure to derivatives of the listed solvents does not create a presumption of causation for hearing loss, regardless of labor category or duration of exposure.

c. Labor Categories. To be compensable, the employee must have worked in one of the following labor categories for a continuous 10-year period, completed prior to 1990.

- Boilermaker
- Chemical Operator
- Chemist
- Electrician/Electrical Maintenance/Lineman
- Electroplater/Electroplating Technician
- Garage/Auto/Equipment Mechanic
- Guard/Security Officer/Security Patrol Officer (i.e. firearm cleaning activities)
- Instrument Mechanic/ Instrument technician
- Janitor
- Laboratory Analyst/Aide
- Laboratory Technician/Technologist
- Lubricator
- Machinist
- Maintenance Mechanic
- Millwright
- Operator (most any kind)
- Painter
- Pipefitter
- Printer/Reproduction clerk
- Refrigeration Mechanic/HVAC Mechanic
- Sheet Metal Worker
- Utility Operator

d. Nonconforming circumstances. Claims for other conditions based on exposure to the listed organic solvents must be verified using the Site Exposure Matrices, a medical report from a qualified physician, or review by the National Office (NO) toxicologist.

(1) Other hearing loss claims based on rationalized medical evidence asserting a causative link between covered employment and exposure to other solvents not listed in this Circular should be forwarded to the NO for specialist review.

(2) Claims for hearing loss due to organic solvent exposure where the employee has less than 10 years of employment completed prior to 1990 must likewise be forwarded to the NO for specialist review.