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September 16, 2025

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Comptroller General Dodaro:

Each year, the maritime industry pays millions of dollars in claim settlements, awards, and litigation costs due to workers' compensation claims, including those related to hearing loss. However, many employers in the port, marine terminal, and shipbuilding industries contend that a significant portion of the hearing loss claims for which they must provide compensation are not the result of waterfront employment but instead from other noise-induced exposure or circumstances occurring outside workplace conditions. The Committee on Education and Workforce (Committee) requests that the U.S. Government Accountability Office (GAO) conduct a review to better determine the factors leading to hearing loss for these workers, the processes used for determining and awarding workers' compensation claims, and the extent to which federal law might be updated to become more effective in this matter.

Enacted in 1927 and administered by the Department of Labor's Office of Workers' Compensation Programs (OWCP), the *Federal Longshore and Harbor Workers' Compensation Act* (LHWCA) provides for the payment of compensation, medical care, and vocational rehabilitation services to employees disabled from on-the-job injuries that occur on the navigable waters of the United States or in adjoining areas customarily used in the loading, unloading, repairing, or building of a vessel. Through the *Defense Base Act* and the *Non-Appropriated Fund Instrumentalities Act* (NAFIA), the LHWCA also applies to the employees of companies performing Department of Defense and NAFIA contracts. Through the *Outer Continental Shelf Lands Act*, the LHWCA additionally applies to employees working on the Outer Continental Shelf, such as on offshore oil drilling rigs.

The LHWCA has not been meaningfully updated since 1984, and it differs from other workers' compensation programs with respect to hearing loss claims. Under current law, employers are generally responsible for hearing loss sustained by their employees due to work-related noise exposure, even if the hearing loss was worsened by pre-existing conditions, prior employment, or the natural

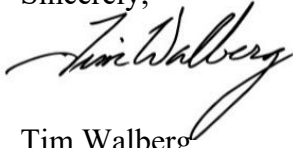
aging process.¹ By contrast, most state-level workers' compensation statutes permit a reduction in claims value based on age-related hearing loss. These programs factor in the reality that hearing loss is not latent. Rather, it becomes evident and measurable by 16 hours after the cessation of exposure to loud or continuous noise.² The loss is finite and measurable, and it does not worsen or deteriorate as time goes on after the cessation of exposure. However, under the LHWCA, there is no effective post-exposure or post-employment statute of limitations for filing a claim for this condition. It is also unclear to what extent OWCP has updated its processes to account for modern medical advances in testing for and treatment of hearing loss to increase the accuracy of its determinations.

More than 37 percent of hearing loss claims are filed by and paid to claimants who are 70 years of age and older.³ Meanwhile, the costs associated with hearing loss claims and workers' compensation insurance coverage are built into the contract price for building ships for the U.S. government. Given the concerns that these conditions put the onus on taxpayers to bear the costs of hearing loss claims that are not employment related the Committee requests that GAO answer the following questions:

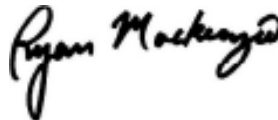
1. How many LHWCA claims have been filed annually for the past five years and for what types of injuries, including those related to hearing loss? What are the age and other demographic characteristics of these claimants?
2. To what extent do LHWCA and related federal regulations align with eligibility requirements, benefits, and standards for other federal workers' compensation programs?
3. What is the incidence of fraud in LHWCA claims, what steps does OWCP take to ensure that claims are related to workplace injury, and what additional steps, if any, should OWCP take to reduce fraud?
4. Given LHWCA's incentive structure, what potential actions could Congress consider, if any, to ensure that claims paid under the LHWCA are only those claims related to workplace injuries?

Thank you for your attention to this matter.

Sincerely,



Tim Walberg
Chairman



Ryan Mackenzie
Chairman
Subcommittee on Workforce Protections

¹ DEP'T OF LAB., OFF. OF ADMIN. LAW JUDGES, LONGSHORE BENCHMARK 6-7 (Jan. 2002), [https://www.dol.gov/sites/dolgov/files/oalj/PUBLIC/LONGSHORE/REFERENCES/REFERENCE_WORKS/USDOL_OA_LJ_LHWCA_BENCHMARK_TOPIC_8.13_\(2002\).PDF](https://www.dol.gov/sites/dolgov/files/oalj/PUBLIC/LONGSHORE/REFERENCES/REFERENCE_WORKS/USDOL_OA_LJ_LHWCA_BENCHMARK_TOPIC_8.13_(2002).PDF).

² OWCP, PROCEDURE MANUAL, Ch. 3-0401-5(1)(f), <https://www.dol.gov/agencies/owcp/dlhwc/lsProMan/ProMan#03-0401-05>.

³ Data on file with the Committee.