

Firestone

INTEROFFICE

DATE March 16, 1976

TO MR. J. H. ROSENSON
AKRONFROM T. C. WALKER
POTTSTOWN

REFERENCE

MAR 17 1976
R. S. BROOKMAN

SUBJECT

VCM - MEDICAL SURVEILLANCE PROGRAM

I have attached hereto a copy of a letter written by Mr. Martin Wald to our Mr. Thorley Mills which reviews our liability under Workmen's Compensation and/or Occupational Disease Compensation if the employee refuses to undergo a voluntary medical examination.

As I read Mr. Wald's letter, the simple answer is at best we may have a defense, but practically speaking, compensation statutes are typically construed in favor of the employee.

As covered in Mr. J. V. Cairn's January 19 memo, I have no doubt but that Firestone is liable for any compensation problem associated with VCM which occurs among workers who have been with us a number of years, particularly since the latency period for angiosarcoma averages twenty years. In a sense, therefore, insisting our VCM medical surveillance be mandatory for these people should not be based on potential compensation claims since they will exist regardless of whether the medical is taken or is not taken.

We will regardless continue to insist that our full VCM examination be given to all prospective employees to insure they are not entering our work area already susceptible to, for example, liver problems. In addition, our VCM exposure in the near future will comply with the OSHA regulation such that no Firestone employee, experienced or not, will be exposed to any appreciable quantities of vinyl chloride.

There is no doubt in our minds that the VCM medical examination should be mandatory for the sake of our employees themselves; however, our history over the past year clearly indicates our people object to a mandatory physical, and I believe if we insist upon same we will have measurable labor problems. In addition it is hard to logically declare our Chemicals Plants as hazardous when the VCM exposures are so low.

Since December 4 when OSHA advised the URW that the physical examination is not mandatory and the Plastics Company has not

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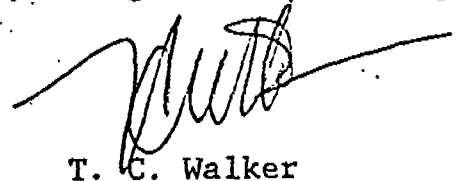
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enforced a mandatory basis, we have had 111 scheduled exams in Pottstown with 21 refusals, which is approximately 19%. It is my judgment that given time this percentage of refusals will increase.

Our Perryville plant continues to show 100% participation in that they have not been formally advised that the medical exam is voluntary.

I have also attached hereto a copy of a form which has been approved by Messrs. Cairns and Mills which we would intend having signed which clearly indicates that each employee has been offered the exam and either wishes to participate or not participate. I have some question as to whether the employees in Pottstown (URW) would even sign such a document.

I recommend, therefore, that we advise our employees both at Perryville and Pottstown that the medical surveillance program is voluntary and request their cooperation in signing the attached "Matter of Record" so that we can properly design our continuing medical program.



T. C. Walker

TCW:md

Attachments

cc: Dr. L. H. Ballou
Mr. J. V. Cairns
Mr. W. B. Connolly
Mr. R. L. King
Mr. T. C. Mills
Dr. R. S. Brookman
Mr. C. J. Kleinert
Mr. H. N. West

Copy to Mr. F. F. Hoy 3/17/76

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