

**Ohio Bureau of
Workers' Compensation**

Division of Safety & Hygiene
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PLAINTIFF'S
EXHIBIT
BRK-93

April 26, 1991

Legal Section
Industrial Commission of Ohio
30 West Spring Street
9th Floor
Columbus, Ohio 43266
Attn: Ms. Judy Spencer

RE: OD Claim MV227200
Ronald A. Frank
Ed Schmidt Pontiac
GMC Truck Inc.
P.O. Box 111
26875 Dixie Hwy.
Perrysburg, Ohio 43551
Risk #222408-8
Manual #83803
Report #91-157

Dear Ms. Spencer:

Enclosed is the report of the industrial hygiene investigation for the above cited occupational disease claim. For ease of reading, the report is divided into the following sections.

Summary of Investigation
Work History
Personal Protective Equipment Available
Product Information and Toxicology
Interviews
Conclusions
References

Respectfully submitted,

DC Skinner
D.C. Skinner
Industrial Hygienist

DCS/dr

enc.: Material Safety Data Sheets

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SUMMARY OF INVESTIGATION

This investigation finds little to substantiate Mr. Frank's claim while finding much to refute the validity of his claim. This conclusion is based on the following.

- While some of the symptoms reported by Mr. Frank are consistent with overexposure to the rustproofing material, the medical opinion expressed by the examining physician is that there is no medical evidence to support an occupational illness diagnosis. (See "Interview" section).

- Proper respiratory protection was provided by the employer. On the day in question (July 25, 1991), Mr. Frank's supervisor stated he observed Mr. Frank on two occasions not wearing his assigned respirator and instructed him to put the respirator on. (See "Interview" section).

WORK HISTORY

Mr. Frank worked in the new vehicle preparation department of Ed Schmidt Pontiac/GMC Truck Inc., Perrysburg, Ohio. On the day of the incident (July 25, 1990), Mr. Frank was assigned to rustproof and undercoat several vehicles. The rustproofing and undercoating material is a "tar-like" coating derived from heavy petroleum distillation. The manager of the preparation department, Mr. James N. Nevins, stated he observed Mr. Frank on two occasions performing rustproofing operations without wearing the assigned respiratory protection. On each occasion, Mr. Nevins instructed Mr. Frank to don the protective equipment.

After the incident, Mr. Frank was on leave for approximately one week (August 1, 1990). Upon returning to work, Mr. Frank resumed his rustproofing duties for several months until he was laid off. During this subsequent work period, his supervisor states Mr. Frank religiously complied with the established policy on respiratory protection and did not report any follow-up adverse health effects from his duties.

PERSONAL PROTECTIVE EQUIPMENT AVAILABLE

The employer (Ed Schmidt Pontiac/GMC Truck Inc.) provides preparation department employees, and requires the wearing of, dual cartridge organic vapor respirators with pre-filters when performing rustproofing and/or undercoating operations. These

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respirators are individually assigned to each worker and are indicated by the product's Material Safety Data Sheet (MSDS) as the proper respirators to protect the worker from vapors and mist from the petroleum distillate used for the rustproofing and undercoating. On the day in question, the shop supervisor stated he observed Mr. Frank on two occasions not wearing his assigned respirator when performing rustproofing duties.

PRODUCT INFORMATION AND TOXICOLOGY

The rustproofing material contains petroleum solvent and methanol (wood alcohol), while the undercoating contains petroleum distillate and encapsulated asbestos. The Material Safety Data Sheet for this product (see attached) states that the asbestos is non-hazardous due to the encapsulation and "no risk of hazard from the encapsulated asbestos has been established." Overexposure to the petroleum products and methanol in either material^{2,3} can cause eye irritation, dizziness, headaches and nausea.

INTERVIEWS

In conducting this investigation, the following individuals were interviewed. Their comments are as follows.

Mr. James N. Nevins
Manager, Preparation Department
Ed Schmidt Pontiac/GMC Truck Inc.

- It is standard department procedure that organic vapor respirators with pre-filters be worn whenever an employee is rustproofing or undercoating a vehicle.

- An organic vapor respirator with pre-filter was personally assigned to Mr. Frank for rustproofing duties.

- Mr. Nevins stated he observed Mr. Frank on two occasions on July 25, 1990 not wearing his assigned respirator. On each occasion, Mr. Frank was instructed to wear the respirator.

Dr. Roger Sanchez
Examining Physician
Wood County Hospital
Bowling Green, Ohio

- The physical examination of Mr. Frank by Dr. Sanchez revealed no evidence of "black-streaked phlegm" as alleged by the claimant (emergency room record, facsimile file). The lungs were clear and the chest x-ray was negative for evidence of any obstruction. Minor wheezing was noted in the lungs.

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- The medical diagnosis was: "Bronchitis"

Note: While no smoking history was established for the claimant, there is extensive evidence that links tobacco smoking with bronchitis. Each and every (occupational) study has shown the harmful effect of tobacco smoking. Tobacco smoking also obscures the effect of other environmental agents and accounts for the excess of chronic bronchitis in men compared to women.

- Mr. Frank told the examining physician that he had been experiencing symptoms for two weeks. (Facsimile file: Emergency Room report).

- When asked directly by this investigator, "Do you believe that Mr. Frank's condition was a result of any occupational exposure?", Dr. Sanchez replied: "Absolutely not".

Mr. Jim Zuccherro
Industrial Hygienist
OSHA Toledo Office

- In the facsimile file resides a copy of a complaint filed on July 25, 1990 to OSHA alleging that employees of Ed Schmidt Pontiac are being "exposed to excessive levels of Chemicals when undercoating vehicles. Personal protective equipment is not provided".

- According to Mr. Zuccherro, no OSHA visit was conducted, nor was there a citation for any OSHA standard violation issued to Ed Schmidt Pontiac/GMC Truck Inc.

- The complainant withdrew the complaint on August 1, 1990, requesting no action be taken on it. Mr. Zuccherro stated that OSHA had no evidence of any health problems at Ed Schmidt Pontiac.

CONCLUSIONS

Because of the claimant's alleged failure to wear assigned respiratory protection, he may have been exposed to rustproofing/undercoating material for a relatively limited duration. However, his medical examination, as reported by the examining physician, does not appear to support his contention of an occupational illness. What remains to be determined is to what extent the claimant possibly caused his own exposure and whether or not, as he alleges, he suffered adverse health effects from that exposure. The claimant's smoking history should also be ascertained due to the significant contribution tobacco use has on the development of bronchitis.

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REFERENCES

1. Material Safety Data Sheets, "Carecraft Metal Preserver (rustproofing" and "Carecraft Comfort Preserver A (undercoating)", Mosely Products Co., PO Box 368, Kimberton, PA 19442
2. Ibid.
3. Nick H. Proctor et al, Chemical Hazards of the workplace, 2nd edition, J.B. Lippincott Co., Philadelphia, PA, 1988, pp. 320-321.
4. International Labour Organization, "Encyclopaedia of Occupational Health and Safety", Vol I, 1983, International Labour Office, CH-1211, Geneva 22, Switzerland, p.332.

RECORDS CERTIFICATION

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SUPERVISOR, Microfilming Unit <i>JMD Kaye</i>	Date 9-12-91
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