To - Doc Schreiber
Not totally under OSHA how will we follow this?
Joe Q.

PLAINTIFF'S EXHIBIT
AL-232

H. D. BELK, M.D.
E. E. RUMBERGER

PITTSBURGH OFFICE - 6

J. QUAGLIA, JR.

PT. COMFORT OPERATIONS

1983 February 24

RE: GUIDELINES FOR RESPONDING TO EMPLOYEE REQUESTS FOR DOCUMENTING "POTENTIAL" WORK EXPOSURES

Several plants have had employee requests for notation or insertion in their medical records of past potential exposures to hazardous materials, e.g., asbestos, PCBs, etc. Such requests have Medical, Legal, Industrial Relations and Industrial Hygiene ramifications. Of greatest concern is the legal liability of having an incomplete, prejudicial, but unchallenged statement of "possible" exposure on record. This memorandum includes recommended guidelines for handling employee requests for insertions in either medical, personnel, or industrial hygiene records (Attachment 1).

When an employee submits a request for making an insertion in his/her records, plant personnel should cooperate without necessarily trying to discourage the insertion or "educating" the employee unless the employee desires discussion or wants more information relative to the potential for any harmful exposure. Responding cooperatively in a low-key manner is intended to minimize the likelihood of receiving many such requests.

It is recognized that upon occasion, company physicians have need to put analytical exposure data in medical records for clinical reasons. However, the principal place for maintaining exposure data history or special statements related to occupational exposures is in the office of the plant industrial hygienist. The hygienist maintains two types of exposure files: one by individual name for recording personal sampling results; and a second file by job classification which contains (cross-referenced) personal and area sampling results. The personal exposure file is the logical place for recording employee generated requests. If the employee does not have a file from personal sampling, a new file jacket should be established even if only to contain his/her proposed statement.

The employee exposure files are a personal record and plants are legally required to maintain exposure records for 30 years. Employees or their designated representatives have access to their records as outlined in 29 CFR Section 1910.20 enacted in 1980 August. Alcoa guidelines for compliance were issued to the plants at that time.

The industrial hygienist should advise the employee to submit his/her desired statement in writing. (NOTE: Company personnel are not to draft the statement for the employee.) The employee should be advised that the hygienist will prepare an addendum to be attached to the employee statement that will provide additional information on the employee's claim. See attachment 2 for the type of information that would be appropriate.

The employee's claims and the proposed statement by the industrial hygienist are to be submitted to Pittsburgh for approval prior to being placed in the individual's exposure file and prior to any copy being given to the employee. The proposed statements should be submitted to the Manager, Industrial Hygiene in Pittsburgh where they will be reviewed with the Medical and Legal Departments.

The "Employee Right to Know" laws being passed in a number of states, along with the proposed Federal OSHA regulation on "Health Hazard Communication", may precipitate additional employee requests. However, we are hopeful that such requests might be few and far between.

H. D. BELK, M.D.
E. E. RUMBERGER

HDB/EER:sc

Attachments

Distribution:
Plant Industrial Hygienists
Location Industrial Relations Managers
Plant Physicians
Safety Managers
Location Managers

cc: J. G. Morber-Pittsburgh 30
F. A. Kramer-Pittsburgh 25
B. D. Dinman, M.D.-Pittsburgh 6
J. R. Archibald-Pittsburgh 6
J. E. Burns-Pittsburgh 6
R. W. Porter-Pittsburgh 13
S. H. Turner-Pittsburgh 12

EMPLOYEE REQUESTS FOR DOCUMENTING "POTENTIAL" WORK EXPOSURES

ACTION GUIDELINES

1. REFER EMPLOYEE REQUESTS TO PLANT INDUSTRIAL HYGIENE.

2. ADVISE EMPLOYEE:

   - THAT I.H. FILES ARE THE APPROPRIATE PLACE FOR EXPOSURE RECORDS.
   - EMPLOYEE SHOULD SUPPLY STATEMENT HE DESIRES IN HIS/HER FILE.
   - I.H. WILL SUPPLY COMPANY COMMENTS AS AN ADDENDUM.

3. SUBMIT COMPLETE STATEMENT (WITH COMPANY COMMENT) TO PITTSBURGH (MANAGER, INDUSTRIAL HYGIENE) FOR PROCESSING FOR APPROVAL.

4. FOLLOWING APPROVAL:

   - INSERT STATEMENT IN THE "INDIVIDUAL I.H. EXPOSURE" FILE.
   - EMPLOYEE MAY RECEIVE A PERSONAL COPY OF THE APPROVED STATEMENT.