

**UNION  
CARBIDE**

**INTERNAL  
CORRESPONDENCE**

UNION CARBIDE CORPORATION 270 PARK AVENUE, NEW YORK, NY 10017

|           |                      |                   |                        |
|-----------|----------------------|-------------------|------------------------|
| To (Name) | Mr. J. W. Whittlesey | Date              | July 15, 1981          |
| Division  | Law Department       | Originating Dept. | HS & EA - Epidemiology |
| Location  | New York             | Area              | 4th Floor              |
| Area      | 46th Floor           | Subject           |                        |

Copy to

Mr. J. B. Browning  
Mr. D. E. Engle ✓  
Dr. D. H. Glenn  
Dr. T. A. Lincoln

Dear John:

I have just read Walter Conrad's letter to you dated July 2, 1981. It is evident to me from this letter that Mr. Conrad has misinterpreted much of the information that I attempted to provide him in my conversation with him in your office on July 1st. First I would like to point out that my objection to Dr. Buffler proceeding with Phases I & II was not related to whether or not this work would assist Mr. Conrad in his defense of his lawsuits, but rather primarily that her proposal did not meet the criteria that we have set for approval of protocols. Phases I & II of her proposed study are outlined in general but lack sufficient detail to enable us to be assured of the quality of this investigation. I attempted to point out to Mr. Conrad that studies similar to those mentioned in Phases I & II were already being competently conducted by both Union Carbide's epidemiology department as well as by NIOSH epidemiologists ~~in~~ that further studies of the same sort did not appear to have any utility at this time.

Secondly, and more importantly Mr. Conrad has misunderstood my comments regarding the validation of diagnoses of the brain tumor cases. His letter to you implies that I suspect NIOSH of including cases in both the cohort study and the case control studies that do not properly belong there. This is not what I said. In the cohort study all cases with a death certificate diagnosis of malignant brain tumor must be included, regardless of whether this diagnosis is accurate or inaccurate. Presumably lawyers do not have such constraints, and therefore it would be of some utility to them to determine the degree of accuracy associated with such a diagnosis from a death certificate.

**PRIVILEGED AND  
"CONFIDENTIAL MATERIAL  
SUBJECT TO PROTECTIVE  
ORDER"**

**UCC 097745**

Mr. J. W. Whittlesey

- 2 -

July 15, 1981

With respect to the NIOSH criteria for determining a "case" for inclusion in this study, there is no question but that Union Carbide has accepted the NIOSH determination as the official determination for the purpose of the study. We are in fact using the "best diagnosis" determined by NIOSH in our own in-house case control studies. We do recognize, however, because of Dr. Leffingwell's cooperation in providing us with the criteria he has used in making these decisions, that in some instances the information that was available to NIOSH was not very good.

I would be most appreciative of your efforts to attempt to clarify this misunderstanding in Mr. Conrad's mind. The simple point is that epidemiologists must abide by certain rules - in cohort studies these rules are very tightly fixed, in case control studies there is a little more flexibility and room for judgment. It would appear wise to me (although I am not a lawyer) to make a distinction between those rules that are appropriate to epidemiology studies and those rules that are appropriate to litigation.

Please let me know if you have any further questions concerning this matter.

Sincerely,

Susan G. Austin, Sc.D.  
Corporate Epidemiologist

SGA:lm

PRIVILEGED AND  
"CONFIDENTIAL MATERIAL  
SUBJECT TO PROTECTIVE  
ORDER"

UCC 097746