

OSHA - 1971

PLAINTIFF'S
EXHIBIT
AL-1404

411582 0125

R. H. WATSON
E. B. YOUNGBLUT
W. N. DAWSON, M.D.
T. B. BONNEY

DR. L. V. CRALLEY
PITTSBURGH OFFICE

PITTSBURGH OFFICE

March 30, 1971

RE: ANSI PROPOSED NATIONAL SYSTEM FOR UNIFORM RECORDING AND REPORTING OF
OCCUPATIONAL INJURIES AND ILLNESSES

Messrs. Youngblut, Dawson, Bonney, and the writer reviewed these proposals in considerable detail on March 19, 1971. It is our understanding that any objections to these proposals should be presented to the Study Group on Reporting Work Injuries on a Nationwide Basis, American National Standards Institute, Inc., 1430 Broadway, New York, N. Y. 10018 by March 31, 1971. In a letter from Mr. George C. Guenther, dated January 21, 1971 on this same subject, he requested that comments be addressed to Mr. Maurice F. Bresnahan, Chief, Division of Industrial Safety, Bureau of Labor Statistics, U. S. Department of Labor, Room 2818 GAO Building, Washington, D. C. We suggest, therefore, that our comments be reviewed by you and Dr. Colwell and that copies of your agreed to comments be sent to both agencies addressed to the one of your choice.

Our comments are as follows and are referenced to specific sections of the Proposal:

- 1.0 Under Section 2.1 of Definitions we would substitute "a temporary or permanent impairment" for "any disability or permanent impairment." In that same section we would substitute "which is caused by the work environment" for "which results from any exposure in the work environment." These are particularly significant changes in wording and if not made would cause us to make many more comments than made herein. The word "Disability" is a Medical-Legal term not well suited for this reporting system and the use of the word "any" needs qualification.
- 2.0 Under Section 2.1 Item (3) we would substitute "more than two treatments by a physician" for "two or more visits to a physician." This is significant in that we emphasize treatment rather than a visit, and that the qualification is changed from two to three which we believe is more characteristic of significant injury or illness. The proposal itself uses the term "treatment cases" in Section 8 and the differences in "visit" and "treatment" needs emphasis.
- 3.0 Under Section 2.4 "Classification of Reportable Occupational Injuries or Illness" a fourth item should be added as follows:
Permanent Total Impairment. The classification for any injury other than death which permanently and totally incapacitates an employee from following any gainful occupation or which results in the loss, or the complete loss of use, of any of the following in one accident:
 - (1) Both eyes.
 - (2) One eye and one hand, or arm, or leg, or foot.
 - (3) Any two of the following not on the same limb: hand, arm, foot or leg.

This proposal would require the addition of Permanent Total Impairment to

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Item III on Figure #1 "Annual Report Form", Figure #2 "Loss of Reportable Occupational Injuries and Illnesses" and Figure #3 "Annual Summary 1970 - Occupational Injuries and Illnesses". There should be no work days lost charges for Permanent Total Impairment such as is also proposed by ANSI for fatalities in the proposed national system.

- 4.0 Under Section 2.4 Item (1), Fatalities, we would add "up to age 70" to the existing definition. Without this change we are responsible for reporting all death related injuries and illnesses, no matter how long after the incident, which is nearly an impossibility. We will have great difficulty even with our modification in keeping track of any death reports across the country, but at least the addition limits our liability for reporting and therefore searching out such cases and we believe is significantly more practical.
- 5.0 Under Section 2.4 Item (3) we would substitute a subtitle of "Three-Visit Physician Treatment Cases" for "Two Visit Physician Treatment Cases." In that same item we would substitute "require three or more treatments by a physician" for "require two or more visits to a physician." The reasoning for this language change is explained earlier.
- 6.0 Under Section 2.6 we would substitute "posting by the local employer" for "posting by employers." This may not be as significant once the full understanding of the "establishment" as indicated on page 12 of the National proposals is appreciated.
- 7.0 Under Section 2.10 we would substitute "Work Environment is comprised of items such as physical surroundings and location" for "Work Environment is comprised of the physical location." We believe this Section needs this added clarity.
- 8.0 Under Section 2.11 we would remove the last sentence stating "To make the rates more meaningful, they will be presented in terms of per 100 full time employees." This is a cumbersome and entirely needless change in our method of injury - manhours related work statistics. It's proponents say that it is more understandable than injuries per million manhours. This position does not make any sense. Whatever communications exist in explaining injuries per million manhours the translation of this data to per 100 full time employees is unimaginable. Thus, we propose this substitution for the entire last sentence of 2.11, "The rates will continue to be developed on the basis of injuries and illnesses per million manhours."
- 9.0 Under Section 3.2.2.2, I, Item 1 we propose that it be totally eliminated and that records be kept on manhours worked rather than both manhours and number of employees. See note 8.0 above. This would also modify the Annual Report Form (Figure 1) by eliminating under I "Employment and Hours" Item 1.
- 10.0 Section 3.2.2.2, II, Item 4 we propose eliminating completely. This detailed information on percent of total sales volume and products of each location or establishment that must be recorded is extraneous and does not serve the cause of safety and is an administrative chore of significance. We would likewise eliminate Item 4 from the Annual Report Form (Figure 1).

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- 11.0 Under Section 3.2.2.2, III, "Reportable Occupational Injuries and Illness" we propose partial elimination of III except, where necessary, expand Section 2, Definitions, to include specific definitions of terms made in III that properly belong in the Definitions Section. Leave first two paragraphs under III in Proposal but remove everything following "A Reportable Occupational Injury or Illness is ----."
- 12.0 Under Section 4, Categories of Reportable Occupational Illnesses, paragraph (b) "Dust Disease of Lungs (Pneumoconioses)" delete "(Pneumoconioses)". By definition "pneumoconioses" means a group of pulmonary abnormalities resulting from the inhalation of dust particles. Asymptomatic retention of particulate matter is characteristic of all lungs and "pneumoconiosis" indicates "dust particles in the lungs" regardless of degree of retention or reaction produced. The benign pneumoconioses resulting from the deposition of biologically inert matter are characterized by an absence of tissue reaction.
- In paragraph (f) "Disorders Due to Repeated Trauma" Under "Examples" delete Raynaud's phenomena. The term Vibration Disease adequately covers this disorder as related to work conditions. There are objections to the unlimited scope of the words "repeated motion" unless associated with a time factor.
- In paragraph (g) "All Other Occupational Illnesses" delete histoplasmosis and coccidioidomycosis from the "Examples". Both of these diseases are obscure and of doubtful occupational origin.
- 13.0 Under Section 8 "Data Output of System" substitute "the number of three-visit physician treatments" for "the number of two-visit physician treatment cases." Remove from this section all references to employee count and "per 100 employees" and use only manhours for statistics.
- 14.0 In the "Appendix" all references to comments above should be appropriately modified so as to support the changes and substituted language above.

R. H. WATSON

E. B. YOUNGBLUT

W. N. DAWSON, M.D.

T. B. BONNEY

RHW:bma

cc: M. O. Colwell, M.D., Pittsburgh Office

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T. B. BONNEY

DR. M. O. COLWELL
PITTSBURGH OFFICE

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- 3.0 Under Section 2.3, second sentence, we would substitute "diseases which are caused" for "diseases which may be caused". This use of the words "may be" does much to destroy the true cause-effect factors pertaining to work-related illnesses.
- 4.0 Under Section 2.4, "Classification of Reportable Occupational Injuries or Illness" a fourth item should be added as follows:

Permanent Total Impairment. The classification for any injury other than death which permanently and totally incapacitates an employee from following any gainful occupation or which results in the loss, or the complete loss of use, of any of the following in one accident:

- (1) Both eyes.
- (2) One eye and one hand, or arm, or leg, or foot.
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This proposal would require the addition of Permanent Total Impairment to Item III on Figure #1 "Annual Report Form", Figure #2 "Loss of Reportable Occupational Injuries and Illnesses" and Figure #3 "Annual Summary 1970 - Occupational Injuries and Illnesses". There should be no work days lost charges for Permanent Total Impairment such as is also proposed by ANSI for fatalities in the proposed national system.

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- 10.0 Under Section 3.1.1, third paragraph, we would substitute "with the diagnosis appropriately established by a physician" for "diagnosed by a physician". The incorporation of the establishment of cause related to the diagnosis is important in reference to Section 2.3.

- 11.0 Under Section 3.2.2.2, I; Item 1, we propose that it be totally eliminated and that records be kept on manhours worked rather than both manhours and number of employees. See note 9.0 above. This would also modify the Annual Report Form (Figure 1) by eliminating under I "Employment and Hours" Item 1.
- 12.0 Section 3.2.2.2, II, Item 4, we propose eliminating completely. This detailed information on percent of total sales volume and products of each location or establishment that must be recorded is extraneous and does not serve the cause of safety and is an administrative chore of significance. We would likewise eliminate Item 4 from the Annual Report Form (Figure 1).
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- 14.0 Under Section 3.2.2.2, III, Item 7, if not entirely removed as recommended in 13.0, we would propose modifying the first paragraph and first sentence to "in which the diagnosis of the illness was confirmed as work-related to the employer" for "in which the illness was first diagnosed and reported to the employer". This is to improve relationship of the cause-effect nature of the diagnosis..
- 15.0 Under Section 4, Categories of Reportable Occupational Illnesses, paragraph (b) "Dust Disease of Lungs (Pneumoconioses)" delete "(Pneumoconioses)". By definition "pneumoconioses" means a group of pulmonary abnormalities resulting from the inhalation of dust particles. Asymptomatic retention of particulate matter is characteristic of all lungs and "pneumoconiosis" indicates "dust particles in the lungs" regardless of degree of retention or reaction produced. The benign pneumoconioses resulting from the deposition of biologically inert matter are characterized by an absence of tissue reaction.
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- 16.0 Under Section 8 "Data Output of System" substitute "the number of three-visit physician treatments" for "the number of two-visit physician treatment cases." Remove from this section all references to employee count and "per 100 employees" and use only manhours for statistics.
- 17.0 In the "Appendix" all references to comments above should be appropriately modified so as to support the changes and substituted language above.

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