

FILE NAME: Westinghouse (WH)

DATE: 1980 July 25

DOC#: WH053

DOCUMENT DESCRIPTION: Memo RE OSHA Access to Employee Exposure and Medical Records Rule - 1910.20

NIOSH refused em-
ployee records;
OSHA employee access
to records still "illegal"
acc. to Whose
1980

R & D CENTER FML-20
C. W. BICKERSTAFF, ADMSTR.
IND. HYGIENE



NWBB-0032170

November 1992

IN THE AIRLINES

From ① Building, Room 2060
WH 235-3476 or 3916
Date July 25, 1980
Subject OSHA Access to Employee Exposure
and Medical Records Rule - 1910.20

To PERSONNEL RELATIONS MANAGERS
PERSONNEL RELATIONS REPRESENTATIVES
INDUSTRIAL HYGIENE AND SAFETY COORDINATORS
MEDICAL DEPARTMENTS
(FML-16, 17, 20 and 45)

The new OSHA standard on access to employee exposure and medical records is scheduled to become effective August 21, 1980. It is the Westinghouse position that this new standard is illegal in that it far exceeds the scope of authority delegated by Congress to the Occupational Safety and Health Administration. The Labor Law Section of the Corporate Personnel Department has indicated that the validity of this standard will be challenged in the courts before its effective date. In addition, even prior to the announcement of this new standard, NIOSH had sued Westinghouse in the U.S. District Court in Pittsburgh to obtain access to medical records at one of our facilities. We defended the suit primarily on the basis of our employees' right to privacy, but the District Court judge rejected our position. The case is now on appeal, and we await the appellate decision.

The Corporate posture in relation to the new standard will be one of respectful non-compliance with its provisions pending the outcome of the legal challenge to it that we expect to be filed. Until further notice, no industrial hygiene, safety or medical records shall be given to government or employee representatives unless approval is obtained from the Manager, Corporate Safety for industrial hygiene and safety records; or the Corporate Medical Services Administrator for medical records; or, in their absence, the Labor Law Section of the Corporate Personnel Department. In those instances where there are differences between this notice and Management Directive MD-P66, Privacy of Personal Information; Corporate Procedure CP-E10, Employee Record Files; and other guidelines, this notice supercedes such earlier instruction until you are otherwise advised. We will keep you informed of developments concerning the legal challenge to the new standard and also concerning our NIOSH litigation.

Paul Palmieri
Paul Palmieri, Manager
Corporate Safety

H. B. Burr
Harry B. Burr, Administrator
Medical Services

Discard Date

