

BWC

BUREAU OF
WORKERS' COMPENSATION

Division of Safety & Hygiene, 8120 Washington Village Drive, Dayton, Ohio 45458

PLAINTIFF'S
EXHIBIT
BRK-92

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Judy Spencer
Legal Section
Industrial Commission of Ohio
30 W. Spring St. 9th Floor
Columbus, OH 43266-0581

Claim: OD41069-22
Claimant: Gary Cress
Company: GM Truck & Bus Div.
2601 Stroop Rd.
Dayton, OH 45439

Dear Ms. Spencer,

Gary Cress is a 44 year-old man who has worked for GM for approximately 10 years. He alleges that exposures to cigarette smoke, oil smoke and oil mist during that period, particularly for a three month period from March, 1990 to June, 1990, caused him to develop acute bronchitis. He was off work from June, 1990, to February, 1991, for reasons related to this claim.

The area in which Mr. Cress worked is very large and open with no partitions or other barriers for hundreds of feet in any direction which would inhibit the flow of air. Small pickups and two- and four-wheel drive utility vehicles under the Chevrolet, GMC and Oldsmobile nameplates are assembled there, so wide open spaces are the necessary norm. It is difficult to imagine a situation where any appreciable amounts of smoke from cigarettes or manufacturing operations would accumulate. There are ventilation fans throughout the plant which recirculate, remove and supply makeup air.

Mr. Cress describes several areas and situations which he alleges have contributed to his problem. I have discussed each of the areas in question with the plant safety official, Jim Rittenhouse. They will be covered in the order listed By Mr. Cress.

1. Fellow workers who smoke: There are of course, a number of workers who smoke while working. It is difficult to understand how cigarette smoke could build up in such a large area to a level that would be causative in the development of a respiratory disease. It could happen, but the likelihood seems remote in view of the openness of the area. He also describes a situation away from the plant which is similar in probability of smoke accumulation. He stated that he was "...one-half way down the hall from a cigarette smoker at the Dayton Mall, and that the smoke would set him off". This seems to be an extreme case of smoke sensitivity, or other factors are involved. He also describes the cafeteria and restrooms as "...filled with smoke".

The cafeteria is a large, open room which is air-conditioned and well ventilated. It is divided into smoking and non-smoking areas. It would seem difficult, if not impossible for it to be filled with smoke. Restrooms may accumulate smoke a bit more readily, but one would not expect workers to use them for rest areas.

2. "The frames come through a hole in the wall.": The frames enter the building through a heated chamber which is covered on both ends with plastic strip doors which are commonly used for temperature control. The entry point is about thirty to fifty feet from where Mr. Cress worked. Since the frames pass through a heated chamber, it is improbable that they would be covered with snow or very wet.

3. "There was a garage-type door in my work area.": There are two doors which are raised on occasion. They are located approximately 225 feet away from Cress's work area. This could make a draft but the distance would moderate it considerably. The doors are not opened on a regular basis and when they are, for short periods of time. There could be some temperature fluctuations from this source.

4. "There were overhead fans on constantly.": Ventilation is a must in any workplace. The larger it is, the more capacity the fans which move air in and out. This could conceivably create air currents, but the ceiling in the plant is 30-40 feet above the floor. A lot of mixing and slowing of air can occur in that distance. There are vents located approximately 8 feet above the floor which recirculate in-plant air and blow out at an angle which can be pre-set by each worker. He can also turn them off. This air is at the same general temperature as the rest of the plant.

5. "There were also repair racks next to our line. The brakes on the line were hot and smokey and emitted a foul odor.": After assembly is complete, all vehicles are given a run-up on a test bed to check engines, drive-train and brakes. This testing takes place in a booth which is ventilated to capture and remove emissions from any part of the vehicle. The run-up booth is approximately 100 feet from Mr. Cress's work area. In between the booth and the chassis line there is an open area where vehicles are moved after the run-up to make minor repairs and adjustments. There is some odor detectable, not from brakes, but from engines and exhaust systems which are hot from test'ng. This might contribute to a pre-existing condition, but air tests have failed to show any detectable levels of chemical agents.

6. "I was also exposed to oil in the chassis department. In addition, I was exposed to mist from the oil guns." Workers all along the assembly line use air tools of various sizes to tighten nuts and bolts. These tools are lubricated by a continuous feed of oil which could be emitted as a mist. The most probable source of exposure, however, would be to the hands. Of all the agents and conditions described, this might aggravate a pre-existing condition, but would seem unlikely to cause bronchitis. There are several hundred workers using the same tools as Mr. Cress, and none have indicated similar problems.

7. Other airborne agents: Division IHS have been in this plant repeatedly over the past several years. They have collected samples on a number of workers for a number of solids, gases and vapors. None were in excess of recognized legal or recommended maximum concentrations. Mr. Cress performed no operations which would cause exposures to chemical agents other than the ones he described.

The medical file states in several places that Mr. Cress had the same difficulty several months after he left work. Usually, breathing problems improve or subside completely when one is away from the source of the irritation. This would seem to indicate that the source of the problem is other than the workplace.

Cigarette smoke has been named the primary culprit by Mr. Cress. His medical file contains the statement by Dr. Sims, "Until very recently, he did not know he had an allergic family history". I do not see any clear connection between his claim and other agents in his workplace other than contributory to a pre-existing condition.

If I may be of further assistance in this claim, please let me know.

Sincerely,

James S. Ferguson
James S. Ferguson, CIH
Industrial Hygienist