PLAINTIFF'S
EXHIBIT
BRK-91

BUREAU OF
WORKERS' COMPENSATION

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

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May 10, 1991

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

O.D.: 40898-22
Claimant: Marvin Arnold
Company: GM Truck & Bus Div.
2601 Stroop Rd.
Dayton, OH 45408

Dear Ms. Spencer,

Marvin Arnold is a 47 year-old man who worked for GM for approximately 19 years until 1988. He alleges that exposures to benzene used in paint equipment cleanup during that entire time, but particularly from 1984-1988, caused him to develop leukemia.

Benzene exposures have been implicated in the development of myelocytic leukemia. Epidemiological studies indicate an increased risk of acute myelocytic leukemia in benzene workers with an overall fivefold greater risk for the development of leukemia. According to one literature source (reference below), the duration of exposure may be less than one year but ususally exceeds 15 years. The average latency of benzene leukemia in a retrospective cohort study was 11.4 years.

Of course, the above data and conclusions are based upon known exposures to benzene. This claim file contains material safety data sheets (MSDSs) for solvents to which Mr. Arnold was purportedly exposed. None contain benzene. The word "benzene" apppears in a number of them, but not as the compound. For example, Benzene, methyl, is toluene, not benzene. Toluene has very different toxicological properties from benzene which do not include the causing of leukemia. There are other examples of compounds which are, like toluene, derivatives of benzene with radically different toxicological properties.

There may be other solvents to which Mr. Arnold was exposed which contained benzene in some concentration. The Hazard Communication Standard requires listing of any compound which is a known or suspect carcinogen if it is present in a product at levels greater than 0.1%. Benzene is not listed on any of the enclosed MSDSs, so if it is present even as an impurity, it must be below 0.1%. According to officials at GM, benzene was not knowingly used in their paint or cleanup operations now, or in the past.

On several occasions in the past, industrial hygienists from the Division of Safety and Hygiene have visited the plant

in which Mr. Arnold worked. Several workers were sampled for a number of chemical agents during those visits. Benzene was not sampled for in any of these visits. If there had been any evidence of benzene usage during any phase of those visits, there is no doubt that our IHs would have considered it a priority for evaluation. The health implications of benzene exposures and the controversy surrounding this compound would have required and received appropriate attention. There is no evidence that any benzene was used in the operations studied.

In summary, unless some evidence can be produced which shows that benzene was used by Mr. Arnold, or others in the immediate vicinity of his work area, a link between his workplace exposures and leukemia cannot be made.

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

Sincerely,

James S. Ferguson

James S. Ferguson, CIH
Industrial Hygienist

Reference:

Medical Toxicology: Diagnosis and Treatment of Human Poisoning, Ellenhorn and Barceloux, Elsevier, New York, 1988.