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JAN 5 1976

J. T. BARR

Date Dec. 31, 1975

Subject VCM - Employee

Medical Exams

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The following is an amplification of the Wall Street
Journal article circulated by J. T. Barr.

Vinyl Chloride**LABOR DEPARTMENT RULES VC WORKERS
ARE NOT REQUIRED TO TAKE EXAMINATIONS**

Employees are not required to submit to medical examinations when they work with or near vinyl chloride, though the Occupational Safety and Health Administration standard requires that such examinations be made available by employers, according to Labor Department Associate Solicitor Benjamin Mintz.

Mintz interpreted the provisions of the vinyl chloride standard in a December 4 response to a query by Peter Bommarito, president of the International United Rubber, Cork, Linoleum, and Plastic Workers of America. The medical examinations are mandated by Section 1910.1017(k) of the standard (Reference File 31:8345), which states "a program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with the paragraph. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee."

While employers are required to provide an opportunity for medical examination to affected employees, the standard does not require employees to submit to medical examinations, Mintz said. "Accordingly, an employer affording an employee an opportunity for a medical examination would not be subject to citation under the Act if the employee refused to take the examination."

Personal Physicians

Bommarito also inquired regarding an employee who prefers to be examined by a personal physician, whether a statement of job suitability would be sufficient or if a copy of specific test results must be issued. The question concerned provisions in 1910.1017(k)(4) which provides "a statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee."

Mintz said this subsection prescribes that employers obtain a statement for the examining physician regarding each employee's suitability for continued exposure to vinyl chloride after any examination. "The subsection does not require the employer to obtain copies of the results of the specific medical tests administered to the employee," he said.

Bommarito's Response

Both questions arose from the cases at the Firestone Pottstown, Pa., plant, where a large number of employees work with vinyl chloride. Bommarito said. Commenting on Mintz's decision, Bommarito stressed workers should not "misconstrue" the importance "and significance of the need for medical screening and surveillance of workers exposed not only to vinyl chloride, but all other harmful chemicals in the workplace."

The union fought for a standard which would protect workers, and "I strongly urge our members to cooperate and participate in medical surveillance programs which are made available to them," Bommarito said. However, periodically there are extenuating circumstances which, as a matter of personal conviction, prevent a worker from participating in a medical surveillance program. Hopefully, these circumstances will relate to only a very small number of workers, he said.

This precedent-setting interpretation could mean that workers exposed to occupational hazards cannot be forced to undergo medical testing programs as prescribed in new federal standards, giving the worker himself freedom of choice, Bommarito said.

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CIIT BOARD NAMES
FIRST PRESIDENT:
DR. LEON GOLBERG

Research Triangle Park, N.C., Dec. 18, 1975 -- Dr. Leon Golberg, research professor of pathology and scientific director of the Institute of Comparative and Human Toxicology at Albany Medical College, has been elected president of the Chemical Industry Institute of Toxicology (CIIT), it was announced today by M. E. Pruitt, chairman of the CIIT board of directors. Dr. Golberg will assume his new duties February 1, 1976.

CIIT is an industry-supported organization devoted to investigation of environmental and occupational health matters involving non-proprietary chemicals in general use. Formation of the Institute was announced April 29, 1975.

"The Institute is fortunate in finding Dr. Golberg to lead and direct its work in the years ahead," Dr. Pruitt said in making the announcement. "CIIT is still in a formative stage and Dr. Golberg's experience as the first employe and the first director of the British Industrial Biological Research Association, which he headed until 1967, will provide the board of directors with valuable insights."

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Born in Cyprus, Dr. Golberg received a M.Sc. degree in 1936 from South Africa's Witwatersrand University. He received his Ph.D. degree in organic chemistry from Oxford University in 1939. He also has a D.Sc. in biochemistry from Witwatersrand and is a medical graduate of the University of Cambridge.

Dr. Golberg has had industrial experience as medical research director of Bengel Laboratories Ltd. (now Fisons Pharmaceuticals Ltd.) from 1955 to 1961, a position he left to become director of the British Industrial Biological Research Association. He has been with Albany Medical College since 1967 and has been active on committees and task forces of such groups as the World Health Organization, the Tropical Products Institute, the National Institute of Environmental Health Sciences and the National Academy of Science.

His published work describes improved methods of safety evaluation for drugs, food additives and other environmental chemicals and elucidates mechanisms and interrelationships of the toxic action of a number of environmental chemicals.

He is a member of the American Chemical Society and a Fellow of both the Royal Institute of Chemistry and the Royal College of Pathologists.

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