

Interoffice Communication

To Safety Directors

From Tom Grumbles

Date July 21, 1980

Subject OSHA ACCESS TO EMPLOYEE AND MEDICAL RECORDS STANDARD

The effective date for the subject standard is August 21. Although actions have been taken in several courts by the U.S. Chamber of Commerce and the AFL-CIO, a stay of the effective date does not appear likely at this time. API still plans to petition OSHA for amendments to several sections of the standard, particularly the 15 day time period for fulfilling employee requests, but this petition would probably have no affect on the August 21 date. In view of these facts we should take steps to enable us to comply with the standard on August 21.

As you know, the standard basically gives employees or designated representatives full access to medical and exposure records. The definition of exposure records includes the following:

- 1) Any type of environmental (workplace) monitoring results as well as related collection and analytical methodologies, calculations and other background data relevant to interpretation of the results obtained.
- 2) Biological monitoring results which directly assess the absorption of substance by body systems.
- 3) Material Safety Data sheets.
- 4) In the absence of MSDS's, any record which reveals the identity of a toxic substance or harmful physical agent.

By intent, OSHA's definition of exposure records is very broad. With our computerized data storage system we should have little trouble in supplying an individual's exposure data or data representative of the job. However, the extent of "background" information we must supply without specific request is still not clear. Each plant should review sampling records to identify data that has not been entered in the computer so this can be done. Also, each lab should have written analytical procedures and methods for the air sampling analysis they do.

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Biological monitoring results are included under OSHA's definition of exposure records. This only includes measurements directly assessing the absorption of chemical into the body, which for us would be urinary phenols and blood lead measurements. Administratively these measurements have always been kept as part of the medical record. At the affected plants we may need to make some changes in reporting formats to allow these measurements to be kept separate from the rest of the medical file. You should be aware that these biological monitoring results being defined as "exposure" records are requestable by a Union without individual consent. It is not clear whether we must give these results with an initial request for exposure records or if they should be specifically requested. We are awaiting a legal opinion.

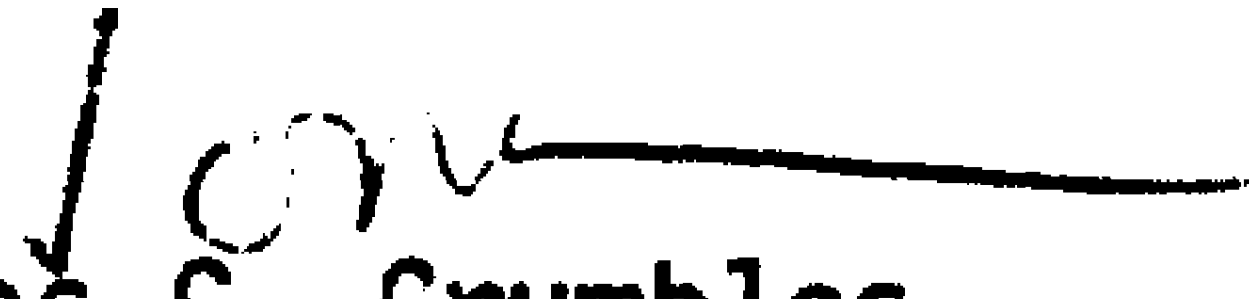
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Each plant should develop or update a chemicals inventory list so that Material Safety Data Sheets can be obtained for these materials. If needed we can help you obtain these sheets, or if the supplier does not have sheets we can develop the necessary information for the record. This list will have to be kept current, so steps should be taken to assure that the purchasing department obtains MSDS's when new chemicals are bought.

The standard has a suggested request form for medical records but not exposure records. We will develop request forms for both and distribute them for plant use.

- Procedural guidelines for complying with medical records request as written by Dr. Whetstone are attached. Please let me know if you have any problems with this.

The steps outlined above should move us toward compliance with the standard on August 21. We will keep you informed of any further court actions. Please call if you have questions at this time.


Thomas G. Grumbles

TGG/yp

cc: Dr. Whetstone
Bob Lehmkuhl
Plant Managers

Enclosure