

RECEIVED
ENVIRONMENTAL AND
REGULATORY AFFAIRS SECTION

A. Palmer

JAN 2 1980

PLAINTIFF'S
EXHIBIT
DUP-1568

NOTES ON DISCUSSIONS WITH OSHA REPRESENTATIVES

1/24/80

- OSHA representatives were Gary Mosher and Dr. David Logan.
- Plant representatives were P. M. Humanick, R. A. Shinn, R. L. Wright, Dr. W. E. Neeld, Jr., and J. P. Micallef.
- Dr. Logan again expressed a concern over Plant management deciding causality of occupational health cases. It soon became apparent that he was confused and under the belief that management was making medical decisions. It was pointed out to him that the decision of Plant management is one of financial responsibility and not a medical decision and that Dr. Neeld made the medical decisions. The organization of the Du Pont Company was discussed indicating the role of Corporate Medical with Plant doctors. Dr. Logan appeared to be satisfied with the overall discussion.
- Gary Mosher inquired if an employee was given any voice in the management classification process. He was told that an employee was given the opportunity to input his work experiences and the potential for asbestos exposure to medical. In addition, each employee had access to all of the labor-management types of recourses and also had a recourse with Workmen's Compensation in New Jersey. In fact, our policy is to initiate Workmen Compensation settlements on a voluntary basis.
- Dr. Logan indicated that he had only checked a few files overnight but that it appeared to him that there was a substantial change in our philosophy for handling asbestos cases starting in the summer of 1979. He asked for our comments. He was told that we started using non-Company radiologists in the fall of 1978 and that possibly he might be seeing the result of this activity. Dr. Logan indicated that it seemed strange to him that a number of our cases were found in July of 1979. We explained that with our method of assigning blocks of employees from certain units to take their physicals at one time, it might not be odd at all to have our cases come in groups.
- Dr. Logan then asked directly if there was any relationship between our apparent increase in activity and the OSHA investigation at Repauno. He was told that while we were not ignorant of the OSHA investigation at Repauno, our program for outside radiologists was started before the Repauno investigation. Also, that it had always been our objective to provide health care in keeping with good industrial hygiene practices.

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- Dr. Logan asked how many employees had been sent to outside specialists. He was told that we currently have sent 24. Mosher asked why we had not kept OSHA informed that we had sent additional employees to see a specialist above the list of 18 employees and pensioners sent to them previously. We stated that we were not in a "forever" situation with OSHA and that we had fully complied with the date of their request. Mosher subsequently indicated that we would receive a written request for the 6 new names since the last list. In addition, Mosher indicated that we would be receiving a written request for 3 or 4 more medical files.
- Dr. Logan stated that contrary to his answer of 1/23, discussions with Kyner and Mosher had refreshed his memory and he now recalled that three weeks ago he had had conversations with Mr. O'Brien. Dr. Logan indicated that he had had conversations with a Dr. Morowitz concerning the studies and medical examinations that he had made on a number of Chambers Works employees. Dr. Morowitz told him that he was making the examinations for a law firm and that he should get in touch with their lawyer (a Mr. O'Brien) for release of information. Dr. Logan estimates that he talked with Mr. O'Brien for about 1/2 hour.
- During the day, OSHA asked for and received a copy of the OSHA 200 logs which contained the entries for the 12 asbestos related cases.
- During the day, the OSHA personnel requested that the temperature in the room be increased above 65°F since they were cold. They were told that this would be a violation of the law and that this could not be done.
- As a final wrap-up of the day, the schedule for 1/25 was discussed. Dr. Logan indicated that he would prefer that Dr. Miller be given the opportunity to examine the X-rays of the individuals on the list without Du Pont personnel present. When told that we had planned to have a non-Company X-ray specialist present, Dr. Logan again asked that we let Dr. Miller read the X-rays alone. Dr. Logan stated that Chambers Works would not be held responsible by OSHA for improper X-ray readings by a non-Company specialist and that he thought that it would serve no purpose to have Dr. Allen (our X-ray specialist) present. We agreed, since Dr. Logan stated that their specialist (Dr. Miller) was only looking for gross cases and that Chambers Works would not be held accountable for Dr. Allen readings.

RAS/em
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