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Interoffice Communication

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To Listed Below
From Thomas D. Montgomery
Date September 12, 1980
Subject OSHA REGULATIONS ON ACCESS TO MEDICAL RECORDS

Enclosed for each of you is a copy of an Affidavit, the original of which has been signed by Dr. Charles Whetstone and furnished to API for attachment to the Petition for Reconsideration which API expects to file on September 15th. The Affidavit is furnished in support of the allegations made in that Petition seeking a change in the 15-day response period now provided for in the regulations.

The Affidavit was not intended as an exhaustive recitation of all possible records that might be maintained by the various departments of Conoco, but relates to those locations where we would expect the greatest difficulty in meeting the 15-day requirement.

In my conversation with Dr. Whetstone yesterday, he asked that I verify from each of you the location of any records which you maintain and which might be subject to production upon appropriate request under these regulations. It is necessary that we have this information at the earliest possible date since, if a request is received, our time for compliance will be very limited and we will need to know every possible source of the requested documents. If any of you have any question concerning applicability of the regulations to particular records, please let me know.

Thomas D. Montgomery
Senior Counsel

TDM/jlh
Enc.

Distribution:	J. J. Doyle	D. L. Linker
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	A. F. Gallagher	Dr. C. Whetstone

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STATE OF UTAH)
)
COUNTY OF _____)

AFFIDAVIT OF MEDICAL DIRECTOR OF CONOCO INC.

On this _____ day of September, 1980, before me, the undersigned authority, appeared Charles L. Whetstone, M.D., who, being by me first duly sworn, did, upon his oath, depose and state as follows:

My name is Charles L. Whetstone and I am the Medical Director for Conoco Inc. (herein "Conoco") and have been since April 1, 1980. Prior to that time I was employed by Conoco for approximately 7 1/2 years in the position of Assistant Medical Director. In these positions I have been, and am, familiar with and have knowledge of the matters hereafter stated.

The following kinds of individual employee medical records are maintained throughout Conoco and are in my custody or otherwise under my direction and control:

1. The primary individual employee medical record is maintained at the headquarters office of the Medical Director in Ponca City, Oklahoma.
2. There are also some individual employee medical records maintained and located at the following company plants where we have nurses who are employees of Conoco (or directly or indirectly owned subsidiaries). These locations are: Lake Charles, Louisiana (two); Paramount, California and Aberdeen, Mississippi.

The Medical Division also retains doctors not in the employ of Conoco to conduct physical and mental examinations of some of Conoco's employees. These doctors are located throughout the United States of America. Any and all records which result from such relationship would be maintained by the individual doctors under their respective custody and control, except such reports and data as they may furnish to the Medical Division of Conoco, which reports and data would be maintained at Ponca City, Oklahoma and/or in the office of the nurse at those facilities where a nurse is employed by the Medical Division, as above noted.

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In my capacity as Medical Director, I am also familiar with, and have knowledge of, the location and custody of the employee exposure records and analyses using employee medical records and employee exposure records which are hereafter described.

Conoco has chemical plants located at: Lake Charles, Louisiana (two); Baltimore, Maryland; Aberdeen, Mississippi; Oklahoma City, Oklahoma; Hammond, Indiana; and (through either a directly or indirectly owned subsidiary) Newark, New Jersey.

Conoco also has refineries located at: Billings, Montana; Denver, Colorado; Ponca City, Oklahoma; Wrenshall, Minnesota; Lake Charles, Louisiana; and (through either a directly or indirectly owned subsidiary) Paramount, California and Santa Maria, California.

All employee exposure records for an individual employee at each such plant are located and maintained at the local plant, except that, for the various chemical plants, there are also computerized exposure measurements and a storage and retrieval system located in Houston, Texas, the headquarters of Conoco Chemicals Company, a Division of Conoco.

Analyses using employee medical records and employee exposure records, if any, could be maintained and located at the local plant where the affected employee or employees are employed or at Ponca City, Oklahoma or at Houston, Texas.

Charles L. Whetstone, M.D.

SUBSCRIBED AND SWORN to before me, the undersigned authority, on this the _____ day of September, 1980.

Notary Public in and for the
County of _____,
State of Utah.

My Commission Expires:

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