APR 16 1979

Johns-Manville

Internal Correspondence

To: P. Kotin, M.D. - WHQ 1-06
D. B. Von Wald - WHQ 2-17

Date: April 11, 1979

From: J. W. Szcygielski - Waukegan

Copies: Distribution below

Subject: W. B. Reitze's OSHA Letter #38 Dated 8/15/78

It has come to my attention that the system that the Waukegan Plants have been using to report OD cases on OSHA Form #200 may not be consistent with OSHA Letter #38. A change in reporting procedures would probably raise other ramifications and additional questions.

It has been reported to me, that for some time, Waukegan has used an Illinois Industrial Commission Form #45 when a person has filed for Workmen's Compensation under the Occupational Disease portion of that Statute. When this claim is filed and this Form 45 is submitted to the Illinois Industrial Commission, it acts as a trigger for the entry on OSHA Form #200 that an OD case has been recorded.

Strictly construing the requirements of OSHA, we should be reporting Occupational Disease cases at the time of first diagnosis.

If we were to report OD cases at the time of initial diagnosis, we would have to put their names in the OSHA #200 log and this then would become a matter of public record at least to the Government agencies involved. Since last summer, we have used a procedure in our Medical Department which allows for the employee who has pneumoconiosis to decide whether or not our local Union should be informed of this diagnosis. We have had some amount of people that have chosen not to advise the Union of this diagnosis and beyond that the question of the names of "red tagged" people has been requested by our Union in the recent negotiations; the Company is involved in an Unfair Labor Practice charge and we have maintained that this is privileged confidential information.

Beyond the immediate question of the confidentiality of the names of these people and the question of our reporting compliance to ASHA Form #200, lies a larger question.

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That question is, we have 35 people who are identified as having pneumoconiosis. The breakdown is as follows:

Year	Number Diagnosed
1979	8
1978	1
1977	3
1976	4
1975	1
1974	1
1973	1
1972	2
1970	5
1969	1
1964	1
1963	1
1962	5
1958	1
	35

The above group of people have not been reported on OSHA Log #200.

I have been advised that as recently as three weeks ago, Larry Janssen, Industrial Hygienist from OSHA reviewed our Form 200s and Form 45s for 1978. I have also been advised that OSHA has been aware that we have been using Form #45 for reporting compensable cases to the Illinois Industrial Commission. For ready reference, I am attaching a copy of Form 45 and the release slip we use in our Medical Department regarding whether or not to notify the Union of an individual's PN diagnosis.

At this point, Waukegan needs guidance and direction or concurrence and clearance from both of the addressees as to how to resolve the situation.

Please advise.

cc: W. R. Paul, M.D. - WHQ 1-06
W. B. Reitze - WHQ 1-06
N. J. Gray - WHQ 2-02
E. W. Nelson - WHQ 2-02
R. M. Hutchison - WHQ 3-04
W. E. Volwiler - WHQ 3-07
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