CONFIDENTIAL

Johns-Manville

Internal Correspondence

To: M. A. Tappin 1-04

Date: December 14, 1980

From: W. B. Reitze 1-06

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Subject: YOUR MEMO OF DECEMBER 11, 1980, RE WORKERS' ACCESS TO EXPOSURE AND MEDICAL RECORDS

Under paragraph (c) "Definitions," Part 1910 of Title 29, Code of Federal Regulations, as found on page 35277, Federal Register, Volume 45, No. 102, dated Friday, May 23, 1980.

> (3) "Designated representative" means any individual or organization to whom an employee gives written authorization to exercise a right of access. For the purposes of access to employee exposure records and analyses using exposure or medical records, a recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

Under Section (3), as well as Section (4) which defines "Employee," it is very clear in my mind that the definition of employee includes a retired employee, and the definition of designated representative includes any individual or organization the employee wishes to name.

In light of the above, I believe it is ill-advised for any executive of the company to instruct a plant to violate a federal regulation. If you or the Legal Department feels otherwise, that remains your decision, one with which HS&E does not concur.

Encl.

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