PLAINTIFF'S EXHIBIT

UC-3854

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...ety Directors

...l Safety Committee
...E. Hull, M.D.
...E. A. Roam

January 13, 1978

Chemicals and Plastics Safety

OSHA Recordkeeping

Attached is a copy of Mr. John W. Whittlesey's recommendation regarding the recording of occupational illnesses. These recommendations have been accepted by the Medical Department and communicated to location medical personnel by E. O. Hull.

This is sent to you for your information only. Recording occupational injuries remains as in past years.

R. E. Graebert

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[redacted] CORPORATION
[redacted]
[redacted] ENVIRONMENT

January 9, 1978

J. I. Welsh, M.D.
Health, Safety and
Environmental Affairs Department
[redacted] Floor

[redacted] J. Q. HULL

Re: OSHA Recordkeeping

Dear Dr. Welsh:

In response to your request at our January 5 meeting regarding compliance with new OSHA regulations requiring a change in the keeping of a log for all recordable occupational injuries and illnesses, effective January 1, 1978, the following will summarize what I told your meeting.

OSHA Form 200, the newly required form, combines and abolishes old OSHA Form 100 and 102.

The question is whether or not all occupational illnesses should be recorded on the new form. This question, in turn, involves the issue of whether or not the form itself requires any different practice than that which we had been following at the present time. Our present practice is to record those occupational illnesses which involve actual medical, as distinguished from first aid, treatment; loss of consciousness; restriction of work or motion; or transfer to another job. As I indicated at the meeting, I see no reason to change our current practices in that regard.

For one thing, Section 8 (c)(2) of the OSHA statute has not changed and this requires a recording of only those occupational illnesses which involve medical treatment, and the like. The conference report in the Congress which accompanied the Act indicated that the bill was passed "with an amendment limiting the reporting requirement to injuries and illnesses other thanof a minor nature."

OSHA regulations 1904 contain a definition of recordable occupational illnesses which conforms to the statute

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and which require only those illnesses be recorded which involve medical treatment, loss of consciousness, etc. These regulations were reissued by OSHA under date of December 21, 1977 and appear in the December 30, 1977 Federal Register. These rules do not contain any change in definition as to what types of occupational illnesses must be recorded.

There is some indication on the instructions on the form 200 itself that OSHA would like all occupational illnesses to be recorded. However, elsewhere on the form OSHA speaks of recordable illnesses, clearly thereby distinguishing between occupational illness which they define broadly, and a recordable occupational illness, the definition for which we expect to conform to the statute.

In other words, our present practices are unchanged by the new OSHA form and should be continued as currently used, in accordance with our discussion.

Let me know if you have any further questions in this regard.

Sincerely,

John W. Whittlesey

JWW:ms

cc: Messrs. T. W. Carmody
E. Q. Hull

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