



Department of Energy

Washington, DC 20585

MAY 21 2002

MEMORANDUM FOR DISTRIBUTION

FROM: BEVERLY A. COOK *Beverly A. Cook*
ASSISTANT SECRETARY
ENVIRONMENT, SAFETY AND HEALTH

SUBJECT: Clarification of Title 10 of the Code of Federal Regulations, Part 850 (10 CFR 850), Chronic Beryllium Disease Prevention Program, Paragraph 850.34(g)

The purpose of this memorandum is to provide clarification regarding the reporting of beryllium sensitization and chronic beryllium disease (CBD) as required by paragraph 850.34(g) of the Chronic Beryllium Disease Program rule (10 CFR 850). Paragraph 850.34(g) requires employers to "report on the applicable Occupational Safety and Health Administration (OSHA) reporting form beryllium sensitization, CBD, or any other abnormal condition or disorder of workers caused or aggravated by occupational exposure to beryllium." The explanation below provides clarification and guidance on this requirement.

Since the recent revision to 29 CFR 1904, "Recordkeeping," (effective January 2002) cases of beryllium sensitization are no longer classified by OSHA as an occupational illness. In light of this revision, the Department of Energy (DOE) will no longer implement the reporting of beryllium sensitization in the manner prescribed by 10 CFR 850.34(g) but, instead, will rely on the DOE Beryllium Registry (see 10 CFR 850.39(h)) for this purpose. The Department's intent in section 10 CFR 850.34(g) was to be consistent with 29 CFR 1904. In light of OSHA's revision of its regulation, it would be inappropriate for the Department to require beryllium sensitization to be reported on the applicable OSHA form. The Department intends to revise 10 CFR 850.34(g) when it amends 10 CFR 850. Until such an amendment occurs, the recording of CBD and reporting of beryllium sensitization will be accomplished as follows:

- o Each case of work-related CBD will be recorded on OSHA Form 300, "Log of Work-Related Injuries and Illnesses," to classify the case. (Prior to January 1, 2002, OSHA Form 200, "Log and Summary of Occupational Injuries and Illness," was used for this purpose.) DOE Form 5484.3, "Individual Accident/Incidence Report," the DOE equivalent to OSHA Form 101, "Supplementary Record of Occupational Injuries and Illnesses," (now OSHA Form 301) will continue to be used to provide supplementary information on each CBD case included in the log.



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- o Each case of work-related beryllium sensitization will continue to be reported in the DOE Beryllium Registry, pursuant to 10 CFR 850.39(h).

The requirements of 10 CFR 850.34(g) do not require mandatory medical testing of all beryllium-associated workers. The responsible employer is only required to report the information provided by workers who voluntarily participate (see 10 CFR 850.34(a)(1)) in the medical surveillance program.

Recording the incidence of CBD and beryllium sensitization contributes to the development of occupational health statistics that eventually may lead to improved disease prevention and intervention for beryllium workers. For additional information regarding this clarification, please contact Ms. Jacqueline D. Rogers on 301-903-5684. Additional information regarding recording and reporting occupational injuries and illnesses may be obtained from Ms. Janet Macon on 301-903-6096.