

From: [Donna Hand](#)
To: [DOL Energy Advisory Board Information](#); [Dr. Steven Markowitz](#)
Subject: Fwd: RE: Disease Information Submittal from Donna Hand
Date: Thursday, November 21, 2019 4:31:21 PM

For the CE to rely on "exclusively on the assessment of the medical evidence by a qualified physician" is not according to the law which is 42 USC 7385s-4 (c). It should be noticed that this is only requiring medical evidence and not medical opinion. Medical evidence is in the federal register under 20 CFR 30.114

§30.114 What kind of evidence is needed to establish a compensable medical condition and how will that evidence be evaluated? (a) Evidence of a compensable medical condition **may** include: a physician's report, laboratory reports, hospital records, death certificates, x-rays, magnetic resonance images or reports, computer axial tomography or other imaging reports, lymphocyte proliferation testings, beryllium patch tests, pulmonary function or exercise testing results, pathology reports including biopsy results and other medical records. **A claimant is not required to submit all of the evidence listed in this paragraph. A claimant may submit other evidence that is not listed in this paragraph to establish a compensable medical condition. Nothing in this section shall be construed to limit OWCP's ability to require additional documentation.** (b) The medical evidence submitted will be used to establish the diagnosis and the date of diagnosis of the compensable medical condition.

----- Forwarded Message -----

Subject:RE: Disease Information Submittal from Donna Hand
Date:Thu, 21 Nov 2019 14:20:32 -0500
From:Public SEM Administrator <info@dol-sem-public.com>
To:ctdhkk@aol.com

Dear Ms. Hand:

Thank you for your inquiry to the Department of Labor (DOL) Site Exposure Matrices (SEM) concerning asthma and links to toluene diisocyanate.

DEEOIC handles occupational asthma through guidance in the EEOICP Procedure Manual, Exhibit 15-4, Exposure and Causation Presumptions with Development guidance for Certain conditions, #5. Asthma. This exhibit states, "The CE does not apply a toxic substance exposure assessment to a claim for work-related asthma, including the application of the SEM or IH referral process, because any dust, vapor, gas or fume has the potential to affect asthma. Given the scope of potential occupational triggers that can affect asthma, the CE relies exclusively on the assessment of the medical evidence by a qualified physician to arrive at a determination of compensability." Thus, SEM is not utilized for these claims.

Thanks again for your inquiry.

Gary Morris
SEM Site Administrator

-----Original Message-----

From: SEM Support [<mailto:support@dol-sem.com>] Sent: Sunday, November 3, 2019 1:46 PM

To: info@dol-sem-public.com

Subject: Disease Information Submittal from Donna Hand

THE FOLLOWING INFORMATION HAS BEEN SUBMITTED:

Name: Donna Hand

Email: ctdhkk@aol.com

Phone: 608 921 9940

Address: 7028 W Waters AVe PMB 349

Tampa Fl 33634

Facility: not specified

PlantArea: not specified

JobTitle: not specified

TimePeriod: not specified

Toxics: toluene diisocyanate

Diseases: asthma

Permission to contact: Yes

Memo: check toxnet

WEB CLIENT:

SubmittedOn: {ts '2019-11-03 13:45:18'}

IP: 97.76.86.174

Page referer: <httpswww.sem.dol.govComposeDiseaseSubmittal.cfm>

Browser: Mozilla/5.0 (Windows NT 6.3; WOW64; Trident/7.0; rv:11.0) like Gecko

Remote Host: 192.168.1.1

SESSION VARIABLES:

CurSiteID:

INFORMATION SUBMITTED:

Memo: check toxnet

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