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To: [DOL Energy Advisory Board Information](#); [Hearthway, Julia - OWCP](#); [Reff, Alisa - OIG](#)
Subject: COPD need for toxic substance
Date: Thursday, November 15, 2018 12:23:31 PM

The issue is "vapors, gas, fumes,dusts" considered a material.

toxic substance.....§ 30.5 What are the definitions used in this part?

(ii) Toxic substance means **any material** that has the **potential** to cause illness or death because of its radioactive, **chemical**, or biological nature.

No where in the statute and the regulations require a specific toxic substance. The SEM has established categories of toxic substances, gases, solvents, radiation, etc.

fumes, vapors, of beryllium is only required not the specific beryllium.

The statute and the regulations in the federal register are binding, the policy is not.

The decision to accept COPD is not consistent. Employees that did soldering(a form of welding) are not in the SEM. Without establishing a facility, SEM has for COPD

Worked in foundry for years with heavy exposure to gases/fumes and mineral dust

This work process has direct disease linkages.

so why the deviation without a suitable explanation or based on any valid documentation not to use vapors, dust, fumes, gases?

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