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Re: Request for information [Docket No. HS-RM-10-CBDPP]

Reference: DOE 10 CFR Part 850 Chronic Beryllium Disease Prevention Program Request for Information, Federal Register, Vol. 75, No. 246/ Thursday, December 23, 2010.

This commentary is in response to the above request for information, specifically a response to part II, Questions for Comment, Question 11.

My response to the question "Should the Department continue to require the worker's consent for medical removal or require mandatory medical removal?" is that the worker's consent should not be required. Medical restrictions are instituted to protect the safety and health of both employees and their co-workers. They are not optional. Exceptions to this should not exist. To provide an example: Does it make sense to allow an employee who has uncontrolled seizures to refuse (i.e., to not consent to) medical restrictions of no driving and ground level work only? It does not, so we do not provide a consent option for that or in general for anything else.

Beyond this we really need to ask ourselves if the reasons for medical removal based on beryllium sensitization are still valid. Rather, it seems more appropriate to provide a medical restriction indicating that an employee should not have beryllium **exposure** once sensitized. This would mean that a worker who is sensitized could still work in a beryllium area with use of the appropriate PPE to protect the worker from exposure. This would make more sense. We know certain types of asbestos cause disease, but we do not stop our workers from working with asbestos; we simply assure they are trained concerning the hazards and provide them protection from exposure with the use of the appropriate PPE. I feel this topic warrants further discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie L. Stalker". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jamie L. Stalker, MD