

JEAN ARDIS, Surviving Spouse : WORKERS' COMPENSATION COMMISSION
of Alan Ardis

Claimant

VS. : THIRD DISTRICT

OLIN CORPORATION,

Respondent

CLAIMANT'S PROPOSED FINDING AND AWARD

FINDING

1. Dr. Alan Ardis, a chemist, was employed by the respondent Olin Corp. in chemical research work at the respondent's New Haven research laboratory continuously from 1952 through 1979, with the exception of the years 1968-71, when he was employed by the respondent in Assonet, Mass.

2. In 1942, Dr. Ardis was married to his surviving spouse and claimant Jean Ardis, and resided with her continuously until his death.

3. On March 13, 1980, Dr. Ardis was diagnosed as having a brain cancer, glioblastoma multiforme, from which cancer he died on December 8, 1980.

4. It is found that Dr. Ardis was significantly exposed to a wide variety of organic chemicals, some of which are known and suspected human carcinogens, known and suspected brain carcinogens, and chemicals closely analogous structurally to said carcinogens, while in the employment of the respondent.

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OLI 6455

5. Respondent denies that claimant's glioblastoma multiforme arose out of and in the course of his employment by respondent. Respondent further claims that notice of claim, filed 4/24/81, was untimely.

6. Lengthy medical testimony was presented by the claimant through Dr. James Robins, a physician and occupational epidemiologist practicing and teaching at the Harvard School of Public Health, and by Dr. Edward Greenwald, an oncologist practicing in New York, New York, and author of a text book on cancer epidemiology.

7. Based on the testimony of Dr. Robins and Dr. Greenwald, it is found that:

a. Numerous published studies by medical researchers have found excess rates of brain cancer in groups of workers occupationally exposed to organic chemicals, including organic chemicals with which Dr. Ardis worked in his employment by respondent.

b. Because of the exposure of said groups to numerous chemicals no single chemical causal agent can be identified as the probable cause of excess rates of brain cancer, with the possible exception of vinyl chloride, with which Dr. Ardis worked in his employment by the respondent.

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c. Sound medical opinion is that occupational exposure to small organic petrochemicals and their derivatives, to which Dr. Ardis was exposed, causes an excess in brain cancer in exposed human populations.

d. A substantial number of experimental studies have found that numerous organic chemicals cause brain cancer in animals, including vinyl chloride and acrylonitrile, to both of which Dr. Ardis was exposed in his employment by respondent.

e. Sound medical opinion is that it is highly probable that chemicals which cause cancer in animals also cause cancer in humans, based on the findings of animal experiments and human cancer epidemiology with respect to numerous carcinogens.

f. It is highly probable, given the lack of concern with human carcinogens prior to the mid-1960's, that Dr. Ardis had significant exposure to the chemicals with and around which he worked in the employment of the respondent. This finding is also based on the testimony of Dr. John Churchill, Dr. Theodore L. Heying, and Jean Ardis.

g. The laboratory employees concerned with chemical research at the Olin Corporation New Haven laboratory employed for a minimum of 6 months prior to 1962 have exhibited an unusually high rate of glioblastoma multiforme; three cases have occurred

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OLI 6457

in this employee population. Analyzed using conservative epidemiological assumptions, this rate is at a minimum several hundred percent higher than the expected age-adjusted rate of glioblastoma multiforme in the general population of Connecticut white males. Using standard conservative epidemiological statistical analysis, it is extremely improbable that such an excess rate of glioblastoma multiforme occurred merely by chance.

h. Relying upon the evidence of occupational brain cancer epidemiology; the excess rate of glioblastoma multiforme among the Olin laboratory employees engaged in chemical research in the New Haven laboratory; medical scientific knowledge of chemical carcinogenesis; animal experiments demonstrating chemical induction of brain cancer; and the laboratory records and related testimony demonstrating a high probability of significant exposure of Dr. Ardis to small organic chemicals, including carcinogens and suspected brain carcinogens, Dr. Robins and Dr. Greenwald testified that there is a reasonable medical probability that the glioblastoma multiforme suffered by Dr. Ardis was substantially caused by exposure to chemicals in the employment of the respondent and this testimony is adopted as a finding.

8. This glioblastoma multiforme was the cause of Dr. Ardis' death on Dec. 8, 1980.

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OLI 6458

9. Dr. Alan Ardis was totally disabled within the meaning of the Act as of March 13, 1980.

10. Notice of claim was timely within the meaning of the Act.

11. The medical, epidemiological and other testimony presented by the respondent has been considered. There is some conflicting medical opinion and all of the evidence of all of the physicians has been reviewed carefully.

12. It is found that the weight of the medical and other evidence substantiates the claim that the glioblastoma multiforme suffered by Dr. Alan Ardis arose out of and in the course of his employment by the respondent, and is therefore compensable.

AWARD

Whereupon it is ordered and adjudged that:

(a) Adequate notice was given by claimant under Conn. Gen. Stat. §31-294.

(b) Claimant be paid compensation for the temporary total disability of Dr. Alan Ardis from March 13, 1980, plus attendant cost of living increases by respondent until the date of death, Dec. 12, 1980.

(c) Claimant be paid compensation and funeral benefits pursuant to §31-306 et seq. until her death or remarriage.

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(d) Respondent shall pay all Dr. Alan Ardis' proper medical and hospital expenses.

(e) Dr. James Robins is awarded \$ _____ for his testimony.

(f) Dr. Edward Greenwald is awarded \$ _____ for his testimony.

Date

Honorable Rhoda Loeb, Commissioner

THE CLAIMANT

BY _____

Robert F. Carter
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New Haven, Conn. 06507
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CERTIFICATION:

This is to certify that a copy of the foregoing was mailed postage prepaid to William Prout, Esq., Wiggin & Dana, 195 Church Street, New Haven, Conn. on the 7th day of June, 1984.

CLENENEN & LESSER, P.C.

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