I. H. Weaver

by one or two powerful individuals, and has not gone through the usual planning procedure. Of the 69 physicians in the country, 28 are Lesotho, most of them live in the capital city, and some will certainly back the project. The peripheral hospitals, both Government and mission, are largely staffed by expatriate doctors. They see this plan as one which will drain even more of the limited resources into the capital district. Major donors, including the U.K. and U.S. Governments, have turned down a request to support this project, but the Government remains confident of raising the sum from other donors.

United States

UNNECESSARY ASBESTOS SCARE

In June, 1976 a high school physics teacher and amateur geologist took a few samples of serpentinite rock dust from a road in Montgomery County, Maryland. He examined the samples with a light microscope and found some fibres he identified as asbestos. The fibres were subsequently shown to have come from the crushed rock which is used for surfacing many country roads in that part of Maryland, and which is mined in a quarry near Rockville, Maryland. The teacher then consulted a member of the staff at Mount Sinai Medical School in New York in order to ascertain whether there was any asbestos contamination of the environment, either from the serpentinite rock used for road surfacing or from the mining operation at the quarry. After taking some measurements, the Mount Sinai investigators came to the conclusion that the chrysotile concentrations in the vicinity of the serpentinite paved roads were about 10 times greater than those found in typical U.S. urban air. This information hit the news media with a bang; there was much talk of the local population all developing mesothelioma and lung cancer, and attempts were made to close down the quarry.

The Environmental Protection Agency (E.P.A.) was called in to investigate and undertook a dust-sampling programme both at the quarry and in the immediate vicinity of the serpentinite roads. The dust samples that the E.P.A. took were then sent to eight laboratories for fibre counting. The dust levels found by the eight laboratories ranged from the negligible to the highly dangerous—the highest figure being more than 100 times the lowest, but with the majority at a level which most experts would regard as being entirely safe. When the cause of the disparate results was examined, it turned out that some laboratories had processed the larger particles in order to separate the aggregates of non-respirable fibre bundles. The E.P.A. had originally publicly endorsed one laboratory as being the most experienced in carrying out the tests, but subsequently rejected the fibre counts from this laboratory, presumably because they were too low. The E.P.A. also took a series of dust samples itself, and informed the Press that their results showed that the chrysotile fibre counts in the samples taken at the quarry and elsewhere were dangerously high. Within a week this statement was withdrawn; it seems that those who had taken the samples had forgotten to apply a correction factor to their calculations, with the result that the fibre counts were some 70 to 80 times too high. Meanwhile, the National Institute of Occupational Safety and Health had conducted a survey of all the workers at the quarry. None of the subjects examined had asbestosis, nor was there any evidence to suggest that respiratory disease was commoner in the quarry workers than in the general population. Moreover, surveys conducted by the U.S. Geological Survey indicate that about two-thirds of the rock formation in the northeastern U.S. and the border States contains some fibrous minerals. The net result of all the publicity has been a lot of unnecessary worry for the inhabitants of Montgomery County, Maryland, a huge financial loss by the quarry concerned, and loss of credibility for E.P.A.

WORKERS' COMPENSATION

Over the past two to three years, Congress has been putting together further legislation to amend the Federal Coal Mine Health and Safety Acts of 1969 and 1972. This new Bill is mainly designed to make compensation awards for black lung more easy to obtain, and in it the House of Representatives had originally included the provision that any miner who had worked for 25 years in an underground coal mine should be assumed to be disabled whether or not he had demonstrable pulmonary impairment. Apart from the fact that this assumption is completely erroneous, its acceptance would destroy any incentive that the coal companies might have to lessen dust exposure and thereby reduce the incidence of dust-induced disease. After much arguing between the Houses, the Senate managed to remove this provision from the Bill. It was pointed out that black lung awards amount to $1 billion annually—about 40% of the total compensation for all occupationally related sickness and accidents. Since coalminers constitute about 1/400th of the working population, it became apparent to the Senate that there was a dire need for fiscal restraint; were the same benefits extended to the rest of the working population, the costs would be intolerable.

As a result of the various hearings and debates on the Bill, Congress came to realise that black lung compensation was appreciably more generous than that paid to men disabled by asbestosis, byssinosis, and other occupationally related lung diseases. The Senate therefore added an amendment to the Bill directing the Secretary of Labor, in cooperation with the director of the National Institutes of Occupational Safety and Health (N.I.O.S.H.), to conduct a study of all occupationally related pulmonary and respiratory disease, and to quantify the extent and severity of such diseases in the U.S. The study is to include an analysis of the ætiology, symptomatology, and pathology of the diseases, and a review of the current workers' compensation programmes and of federal health and safety laws and regulations. The amendment specifies that the study should be completed and the report written within 18 months of the date of enactment of the legislation. Since the Department of Labor has virtually no scientific or medical staff, and since N.I.O.S.H. is only slightly better off (having the greatest difficulty retaining any of the physicians and scientists that it recruits), the prospect of such a study ever being carried out is remote. Moreover, it is only a few years since a Presidential Commission was appointed to look into the problem of workmen's compensation and their report is still available for all to read. And even were the Department of Labor and N.I.O.S.H. well staffed, the task that has been given to them would make the labours of Hercules look like a kindergarten child's homework.

APPOINTING THE JUDGES

While most Americans are aware that many local city and State judges are elected by popular ballot, few until a few months ago realised that federal judges—those black-robed repositories of uprightness and integrity—are often chosen on the basis of past political service. Theoretically the President is responsible for federal judicial appointments, but accepted custom is for members of the Senate to recommend, and for the President to approve, a local jurist for the judgeship. While occasionally this plum is awarded on the basis of merit, many senators have political debts to pay, and some of the appointees have been thoroughly unworthy and have ended up in gaol. The most flagrant current example is of a circuit court judge in Utah whose decisions have been peculiarly arbitrary and have caused much uproar. He has the distinction of being the judge who has had the highest percentage of his decisions reversed. Presently the Chief Justice of the Supreme Court is taking steps to have him removed from office, but the process of appointment to most federal positions is far easier than is the process of removal. President Carter in his election campaign called for a national non-partisan system for the appointment, not only of federal judges, but of U.S. federal attorneys. Once in office he decided that discretion was the better part of valour, and the Senate's privilege has not so far been seriously challenged.

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