PLAINTIFF'S EXHIBIT 04872-00

PITTSBURGH CORNING CORPORATION

Roy E. Fuhs

Robert L. Buckley

Attached Article
Health Hazards
Asbestos Workers

May 7, 1968

Highly CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER

Dear Bob:

The attached article taken from the IDCA Magazine deals with a new health hazards law being considered by Congress. This article (pages 14-31-35) pretty well outlines Dr. Selikoff's thinking re pulmonary asbestos

I am sending a copy of this article to Dr. Grant and Mr. R. C. Packard and am asking Mr. Packard to note the reference to the latent aspect of the disease.

Very truly yours,

Roy E. Fuhs

REF:mah

Attachment

cc: Dr. Grant
Mr. R. C. Packard

MAY 7 1968

PLAINTIFF'S EXHIBIT WV-009787

1-31-3.

AGC, OPERATING ENGINEERS SPLIT ON SAFETY BILL; DOCTOR ASKS PROTECTION FOR ASBESTOS WORKERS

The Associated General Contractors of America testifies against the Administration bill (H.R. 14816) empowering the Secretary of Labor to set and enforce mandatory occupational safety and health standards for all industries affecting interstate commerce, including construction (*CLR* 645, C-1).

The Operating Engineers, however, express support of the legislation.

The bill, recommended by President Johnson in January, has been the subject of extensive hearings in the past two weeks. Hearings on the House side close this week with testimony from AFL-CIO President George Meany.

William E. Naumann, chairman of AGC's legislative committee, told the House Select Subcommittee on Labor that the bill is "negative and punitive in nature" and would do little to improve the current safety record. Promotion of safety is best accomplished through education and training, he maintained.

Naumann complained that the bill contains no specific guidelines for the formulation by the Labor Department of industrial safety guidelines, saying that when "an agency is granted such sweeping powers there is a tendency to go far beyond the specific problem involved and legislate in a direction which was not originally contemplated."

The AGC witness recommended, as an alternative to H.R. 14816, the establishment of a National Safety Commission to conduct, promote, and coordinate research and investigation into the causes and prevention of accidents. "Accidents do not just happen — they are caused," he said. "It is long past due that such an organized and directed attack be made upon the cause and prevention of accidents."

Alan Burch, safety director of the Operating Engineers, noted that seven of his union members had lost their lives in the last six months and said the federal government must take the lead in the safety field. "We are forced to conclude from the history of state industrial safety and health activities that neither the will nor the means will be forthcoming without federal action."

Congressmen Esch (R., Mich.) and Steiger (R., Wis.), declared their support for more research on occupational health and safety. Burch told them that "there is a great deal known now, what is needed is regulation." He said, as an example, that it is known that the effect of constant noise is the same as extreme fatigue. That could very well be the cause of accidents, he said, after a worker has been on the job for some time.

He was asked what the union has done in collective bargaining. His reply was that a contract has to refer to a safety regulation or standard and this would make a contract six inches thick by the time all the regulations were set out. He said that his union wants to join with management in enforcing safety, but what is needed is "guidelines by a third party." He also said that it is "a very difficult problem to approach in collective bargaining" because the bargainers don't have the expertise to write safety standards.

Asked about the resources devoted to the union's safety work, Burch said that at the international level it consisted of him and a secretary. Out of 130 locals, 100 are in construction and 15 have full-time safety directors. Some of the others are too small to afford a full-time director but they have safety committees, he said.

Steiger said he found this difficult to understand since the union has the highest paid and "most professional" membership. He told Burch he would expect it to take the leadership and do more in the safety field.

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Burch replied that the union was finding a great deal of success in having one operating engineer responsible for safety on each construction job. On one large job in Indiana, he said, there had been no accidents in 2 million man-hours of work.

"What we need is standards," he said, "and we're working on that now."

Fifty lives a year would be saved if rubber-tired equipment had a roll-over bar, he continued, "but you would go a long way to find it." Contractors resist the requirement, he said.

Explaining the union's problem in writing standards, he said that a committee of the U.S. Standards Institute (formerly American Standards Association) is taking 15 years to draw up safety standards for cranes, hoists and derricks. It meets six times a year, two days each time. "Twelve days a year is not much to write a regulation," he said.

When this regulation is written, he said, the union will require it in its contracts. Passage of the bill "would be a considerable spur." There is just not enough time, he added, put in by the voluntary groups preparing safety standards.

Steiger said it seemed to him that "it might be far more meaningful than any government regulation" for the union to have safety standards in its contract. Then it could sue for damages for breach of contract.

Congressman Meeds (D., Wash.) commented that that would "totally disregard" the people not covered by union contracts and also would provide one more factor that might prevent agreement between labor and management.

Congressman O'Hara (D., Mich.) declared that it is "unrealistic" to call on workers to enforce their own safety standards. It is like asking a passenger on an aircraft to enforce safety. "The boss on the job ought to have the same order to enforce safety conditions as he does for good workmanship," O'Hara said.

"People are reluctant to give up a nickel for safety" but that is no reason the government shouldn't do anything, he added.

Burch denounced the argument that 95 percent of accidents are caused by human error. An accident is caused by a moment of inattention in an unsafe condition, he said. He contended that workers can't be expected never to be inattentive. "An engineering solution is best," he declared.

"The sight of an operating engineer with ear plugs and ear muffs on equipment with no muffler is just a little bit ridiculous," he remarked.

He also denounced "the pernicious use of hazard pay," saying that it leads to putting in a ventilator instead of removing noxious fumes.

Summing up his position, he said, "Nobody is really required to do the right thing. They have to be required. . . . . .

Another witness before the House subcommittee was Dr. Irving J. Selikoff, professor of community medicine at the Mount Sinai School of Medicine, City University of New York, who for many years has been investigating occupational health hazards among asbestos insulation workers in the construction industry.

"It is an unhappy reflection on all of us — government, public health authorities, the medical profession — that at this time in the United States in the 1960s, seven percent of all deaths among insulation workers are due to a completely preventable cause, pulmonary asbestosis," he declared.

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Dr. Selikoff said that in the course of his research he has studied the health experience since 1942 of 632 members of Asbestos Workers Locals 12 and 32 in the New York, New Jersey metropolitan area. Since 1942, he said, 27 of the original 632 workers have died of asbestosis, out of a total of 307 deaths.

"Since there is no other cause for pulmonary asbestosis but the inhalation of asbestos fibers, these deaths have been unwarranted and unnecessary," he testified. "Moreover many of the men who have not been so badly affected as to die of the disease have been and are disabled to a greater or lesser extent. Thus, more than half of the insulation workers examined by me for more than 20 years from the onset of their work have the abnormal X-rays of asbestosis and almost one-third have shortness of breath of some degree."

"It is evident that, somehow, we have failed these men," he continued. "They had every right to look to their government and public health authorities, and to the physicians and scientists who guide them, for protection at their work. They were not given this protection."

Dr. Selikoff said the men were studied over a period of many years because those who work with asbestos "do not get asbestosis in five, ten or 15 years after starting work asbestosis will become significant and death may follow 25, 30 or more years following the start of their first job. A similar period of clinical latency is true of asbestos cancer, as well."

Had the health experience of the 632 men been the same as for the general population, he said, 203 deaths could have been expected over the interval of 20 years or longer. "Instead, 255 men died. As we look for the reason for the extra 50 deaths, it becomes evident that cancers of several types are responsible for the excess deaths. Thus, while we might have expected six or seven deaths due to lung cancer among these men, there were 45. While we would have expected nine or 10 cancers of the stomach or colon, there were 29."

The medical witness commented that the federal standards bill "will go a long way in improving the unfortunate conditions that now exist . . . The asbestos industry in general and the insulation industry in particular are much too important and much too valuable to be limited or injured by default. Appropriate safety measures are thus in the interests of both the industry and its employees."

Dr. Selikoff continued:

"Workmen in the trade expect and await the measures necessary to eliminate or diminish the hazards to which they are exposed. I recently inquired of them what problems they had noted in their practical experience. Over 13,000 took the trouble to write me with suggestions about cleaning up their trade, ranging from the availability of improved masks through less dusty materials, improved working practices, appropriate exhausts, appropriate health examinations and the vacuuming of clothes before going home.

"It is idle and largely inaccurate to 'blame the industry' for the present situation. It is sometimes not appreciated that 'industry' is not an all-powerful monolithic stage entity — certainly it is not in the insulation trade. In this trade, most employers are small business men, with limited resources, employing few men. When I looked into this matter at the end of 1965, there were over 900 employers in the industry, employing an average of 17.6 men per shop.

"Such employers have neither the expertise, nor funds, nor knowledge to have detected these health hazards. They are just as much upset by them as are their men. Nor can they mount the necessary engineering and industrial hygiene programs to develop adequate safeguards to remove these hazards. They will be anxious, I am sure, to undertake appropriate occupational health and industrial hygiene programs once these are suggested to them. This, I assume, is in line with the purpose of the bill.

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"In the insulation trade, it is my impression that, while all would welcome the necessary measures, unless the public health authorities and those responsible for the occupational health measures take action, nothing will be done. In large part, this is because no one knows where the responsibility actually lies. Does it belong with the materials manufacturers? The individual employer? The regional employers' associations? The national employers' association? The national materials manufacturers' association? The local unions? The international union?

". . . I would suggest that it is very much in the interest of industry in general, and the insulation industry in particular, to have, as the proposed bill suggests, adequate authority given to the Department of Labor to set those standards necessary to reduce or eliminate occupational health hazards. I do not refer to those callous statistics which indicate that it is cheaper in the long run to have adequate safety and health precautions than to pay workmen's compensation costs. While this may be true, there is a much more important aspect to the question.

"In many instances, where there is intra-industry and inter-industry competition, it is often the most conscientious employer who is at a competitive disadvantage. This is certainly true in those industries in which there is a risk of pneumoconioses or dust diseases of the lungs, as silicosis, coal workers' pneumoconiosis, talcosis and asbestosis. Since there is, as we have seen, a long latent period — usually over 20 years — between dust exposure and disease resulting from such exposure, precautions taken today will bear fruit, in the form of the employees' good health, two decades or more hence. But at that time, it is highly likely that the employee will be working elsewhere. The employer in investing in current occupational health precautions, sees no immediate benefit, not even in reduction of workmen's compensation costs. If he must pay the latter to current employees who are ill, he is paying for the neglect of another employer twenty or thirty years before.

"This analysis is relevant to the insulation trade today. I have spoken to many insulation contractors. They have been very concerned with the difficulties that have become evident and earnestly wish to remedy matters. Yet they have told me that if substantial investments or significant changes in working practices and conditions were required as part of the program to make this trade safe for the men working in it, such investments should be industry-wide and should not penalize those who undertake them in favor of those who do not.

"Standards based upon information collected and evaluated by experts in the Public Health Service, set on practical and realistic levels by the Secretary of Labor with adequate enforcement powers, and required by all employers in the industry seem essential to correct the serious situation I have outlined. The industry itself has neither the academic and scientific nor the administrative resources to prepare the appropriate corrective program and, the economic facts of life are such as to mitigate against the broad application of such a program by voluntary precautions alone.

"Moreover, these influences are even more relevant when considering the social and community responsibilities which may exist. If the use of asbestos insulation materials should be shown to include some health hazard to other construction workmen as the result of concomitant indirect occupational exposure, we would need some mechanism as that outlined in this Bill to insure appropriate corrective measures, since many employers might hesitate to undertake expensive precautionary measures to prevent uncertain disease that might occur many years later among men they did not know, did not employ and for whom they had no responsibility - especially if in making such an investment they assumed an intolerable competitive disadvantage."

(Text of ACC statement appears in Section D, while text of Operating Engineers' statement appears in Section E.)