

723  
Asbestos

INDUSTRIAL HYGIENE REPRESENTATIVES

PLAINTIFF'S EXHIBIT

SH-1235

DEER PARK MANUFACTURING COMPLEX  
P. J. SNYDER

MARTINEZ MANUFACTURING COMPLEX  
M. FOX, JR.  
G. A. HERMENS

NORCO MANUFACTURING COMPLEX  
G. N. MATTHEWS  
A. K. MENARD

WILMINGTON MANUFACTURING COMPLEX  
L. S. COTTON

WOOD RIVER MANUFACTURING COMPLEX  
W. M. CUNNINGHAM

DENVER CHEMICAL PLANT  
A. C. DREIER

GEISMAR CHEMICAL PLANT  
M. T. BARCLAY

MARIETTA CHEMICAL PLANT  
M. B. KOVACEVICH

MOBILE CHEMICAL PLANT  
D. E. EITEL

WOODBURY CHEMICAL PLANT  
F. GORSKI

EASTERN REGION INDUSTRIAL HYGIENE OFFICE  
A. F. SCHMIT

WESTERN REGION INDUSTRIAL HYGIENE OFFICE  
R. K. JONES

LAM 001184

DPMC-16883

|                               |     |     |     |      |
|-------------------------------|-----|-----|-----|------|
| RLB                           |     | HMM | JDR | KCC  |
| HEALTH & SAFETY<br>OPERATIONS |     |     |     |      |
| 6482 - 6 1982                 |     |     |     |      |
| PJW                           | BJD |     |     | FILE |

The article below points out the value of industrial hygiene data for defensive purposes. Others may say that this proves that the asbestos limits are too high on the industrial hygiene monitoring data did not reflect the actual exposure. - Dpt

#### Court rejects asbestosis claim

A medical examination revealed that Shemanski had contracted asbestosis, a lung disease caused by excessive inhalation of asbestos dust particles. Shemanski's job required cutting ceiling panels with a circular saw, which raised a great deal of dust, including asbestos particles.

Shemanski filed for occupational disease benefits, claiming that his lung disease resulted from his workplace exposure to the asbestos dust. His employer contested the

claim.

The case was heard before the Pennsylvania Workers' Compensation Bureau. At the hearing, Shemanski's employer presented records of the asbestos levels at Shemanski's plant. This evidence showed that the asbestos levels were far below the ceiling limits of OSHA and the Pennsylvania Department of Environmental Resources. The records proved that Shemanski had not been exposed to a hazardous quantity of asbestos dust at work, the employer contended. Therefore, there was no causal link between Shemanski's disease and his working environment.

The Bureau agreed. In its ruling, the Bureau cited a State statute which provides: "A claimant must prove an exposure to an occupational disease in the course of his employment." Finding that Shemanski had failed to do so, the Bureau rejected his claim for compensation benefits.

On appeal to the Pennsylvania Commonwealth Court (*Henry Shemanski v. Commonwealth of Pennsylvania, Workmen's Compensation Appeal Board et al.*), Shemanski was again the loser. Upholding the Bureau's verdict, the court concluded that "the denial of benefits was justified on the grounds that the claimant had failed to establish a compensable exposure to an occupational hazard."

Benefits denied. ■

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Occupational Hazard  
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