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M E M O R A N D U M

TO: File (J-10-49)

FROM: Terry E. Sikes TES

RE: Discussion with Dr. Kotin on August 19, 1981 at JM headquarters

DATE: August 31, 1981

On August 19, 1981 I met with Dr. Paul Kotin at JM headquarters. I first explained to him that I was looking for information pertinent to the concealment defense raised by some of the insurers, and that what I was most interested in was the extent of the insurance industry's knowledge about the risks of asbestos disease. Dr. Kotin stated that he is certain the insurance industry knew before JM about the risks associated with exposure to asbestos. He was very adamant about this, although I am not sure he really has the facts to back up this conclusion.

When I asked him why he was so sure the insurance industry knew before JM, he drew a graph on the blackboard in his office. The graph was supposed to show the [illegible] of medical information and data known by various groups during the years 1925 through 1980. I will not try to reproduce this graph here; it suffices to say that the graph shows the insurance industry as the most knowledgeable [illegible] during that entire time period, followed by government, academia, industry, and labor, in that order. I initially [illegible] thought this graph related to information about [illegible] only, but it became apparent as Dr. Kotin [illegible] that he was talking about a much more gener[illegible] body [illegible] ledge relating to all types of trauma and disability [illegible] I asked him what a graph for knowledge [illegible] would look like, he made a few adjustment[illegible] his [illegible] but basically the ranking of the various groups in ter[illegible] of who was most knowledgeable was the same as that for [illegible] more general body of knowledge.1/

I asked him what his reasons were for think[illegible] the insurance industry was so much more knowledgeable than all other segments of the population. For one thing, he [illegible] the insurance industry had a greater econom[illegible] incentive [illegible] any other group to put all the available data together [illegible] get an overview of the situation. He also pointed to Hoffman's statement that life insurance companies would not insure asbestos workers, and said this statement, made very early on, shows that the insurers' concealment defense is "[illegible] sense".2/

Another reason Dr. Kotin believes the insura[illegible] industry knew about the risks before JM is that the [illegible] companies were in the business of offering [illegible]

1/ I do not know how much Dr. Kotin really thought [illegible] the conclusion represented by his graph. He says he [illegible] writing a book on the history of environmental and [illegible] schence, including occupational health, s[illegible] this graph is based on considerable study [illegible] did get the impression, however, as he w[illegible] to a large extent he was doing it "off the [illegible]

2/ Hoffman is the fellow who wrote the rep[illegible] for the Bureau of Labor Statistics in 1918 on Mortality f[illegible] tory Diseases in Dusty Trades. Kotin said [illegible] was with Metropolitan Life Insurance Company occupational health and controlling risks. He suggested that we could probably get the insurance companies to admit this in the following fashion: Dr. Kotin is writing a book on the history of environmental and medical science, including occupational health. If we gave him a list of the big indemnity carriers, he could write to them in connection with that project and ask them something to the effect of when did they begin giving advice on occupational disease. [I did not comment on his suggested procedure, but I would be a bit concerned about Dr. Kotin going off on his own and doing this sort of thing without our knowledge, even if I thought he would get something useful in reply.] Dr. Kotin said any other "professor type", for example Smukler or Nadel, (two of the doctors Kotin mentioned to RSV during an earlier interview as potential medical experts) could do the same thing.

I asked Dr. Kotin if he knew the names of any books or periodicals with which insurance company doctors or safety engineers would have been familiar that would have given them information about the risks of asbestos disease. Dr. Kotin then took me to the book room of the HS&E library (see description in memorandum about discussion with Janet McGrath), and began pulling books off the shelves (too quickly for me to get the names of all of them). Dr. Kotin suggested having someone go through all these books and look for references to asbestos disease. Some of the books were published proceedings of conferences, and Dr. Kotin suggested also looking for references to who has attended those conferences. Dr. Kotin says that he has been trying to get from the New York Academy of Sciences a list of the attendees at the Selikoff Conference, but that so far they have been unable to come up with any records of who attended that conference. Dr. Kotin mentioned some books on industrial hygiene and occupational health that he thought insurance company personnel would have been familiar with:

1. Best's Safety Directory - the one he showed me was the 1973 edition, but Dr. Kotin said this directory dates back 25-35 years. It lists products, the availability of consultants on various occupational diseases, etc. This is one of the places where insurance companies advertise their expertise and willingness to offer advice on industrial hygiene and occupational health.

2. Patty's Industrial Hygiene and Toxicology - Dr. Kotin showed me a relatively recent edition, edited by Louis and Lester Cralley. The first edition of this book came out some 40 years ago.

3. Two books referred to by Kotin as Sappington and Johnstone - Dr. Kotin had these books in his home library so could not give me the titles. These were apparently published in the late 1930s. He says all older schools of public health--for example, Johns Hopkins, Harvard--would have these old editions.

Dr. Kotin suggested we look in such books for chapters written by insurance company personnel. He [illegible] made reference to the Registrar of Factories' Annual Reports published in the United Kingdom. Dr. Kotin believes the insurance companies must have been aware of these, because for a long time they were the only systematic effort to record data on industrial mortality due to asbestos.

I did not have an opportunity to review the [illegible] Dr. Kotin showed me in any detail but think it would be advisable to obtain copies of them and review them further.

Dr. Kotin also suggested checking the insurance companies' annual reports, which he says would indicate that they held themselves out as experts or offered advice on industrial hygiene and occupational diseases.

I reminded him that he had mentioned to Venn [illegible] that he has materials indicating that the insurance companies held themselves out as more knowledgeable than their insureds on subjects such as occupational hazards, and offered to sell information about such things. I asked him if, other than the materials he had already mentioned to me, he had anything else along these lines. He said no, that the materials he had mentioned to me already were the ones he had in mind.

I asked Dr. Kotin if he knew any insurance company personnel (for example, doctors or industrial hygiene [illegible]s who might be able to tell us more about the extent of insurance company knowledge of the risks of asbestos. He apparently does not know that many people connected with the insurance industry, but he did give me the names of the following people one of whom was associated with [illegible] company:

1. Jean Stellman (sp?) - used to be occupational health director of the Oil, Chemical and Atomic Workers Union [query whether this association would make her somewhat hostile toward JM?].

2. Louis and Lester Cralley.

3. Howard Ayer - formerly chief of industrial hygiene for the federal government, with particular emphasis on asbestos. Ayer is now at the University of Cincinnati School of Medicine.

4. Ed Lew - formerly chief actuary for Metropolitan Life Insurance Company. Dr. Kotin thinks he now lives in Florida. A copy of Who's Who biographical summary for Edward Lew is attached.

5. Forde McIver - my notes do not indicate what McIver's area of expertise is, other than that he trained under Kenneth Lynch, and is at the University of South Carolina at Charleston. His address is 172 Cannon Street, Charleston, South Carolina 29403, and his phone number is (803) 577-6030.

Dr. Kotin feels these people, as well as most other professionals, would be hesitant to talk to lawyers, at least at first. He feels it is better to have someone in their own field (either Dr. Kotin or someone he can name) contact them if we are interested in talking to them.

I asked Dr. Kotin if American doctors generally followed foreign medical literature. He said no, American doctors generally did not and do not follow foreign lite[illegible] ture, except perhaps *Lancet*.

Remembering something I read in the U.S. Ma[illegible] Commission Conference transcript, in which someone sa[illegible] disease would not appear until a year or more after expo[illegible] to asbestos dust, I asked him how long it had been known that asbestos related disease generally has a long late[illegible] period. He replied that it had only been in the last [illegible] years or so that we have become sure of the long laten[illegible] period of asbestos disease, although it had previously [illegible] suspected.

Finally, I asked Dr. Kotin if he had had an opportunity to annotate the Asbestos Litigation Reporter bibliography given to him by Venning. He said he had [illegible], and it was obvious that he did not wish to go over it with me at that time, nor does he consider it particularly [illegible] on his list of priorities. He repeated a comment he [illegible] made earlier, that he did not have a sense of the [illegible] of this project (meaning, I believe, the [illegible] project, not just the specific project of [illegible] Asbestos Litigation Reporter bibliography). [illegible] this lack of a sense of urgency which caused [illegible] somewhat general and unfocused in his [illegible] tions. He does not realize how important [illegible] than making a concerted effort to dig out [illegible] possible, he responds with general and [illegible] [illegible] answers. He [illegible] [illegible] influence [illegible]

[illegible]

p[illegible]able, he responds with general and u[illegible], [illegible] clusory answers. He might make more of an effort [illegible] of suitable influence whom he knows well impressed upon [illegible]

the importance of the insurance litigation, although n[illegible] that he is retired, even that may not be sufficient to divert his attention from other projects.

cc: RSV
SNG