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Sperry Rand

Sperry Corporation Board Chairman Thomas Morgan was on the governing board of the National Safety Council in 1951. NSC published numerous reports on dust hazards, air sampling for dusts, workers compensation for dust diseases, medical examination of workers for dust diseases, and industrial hygiene measures to protect workers including respirators. These articles in the monthly National Safety News, annual meeting proceedings, and special reports frequently mentioned asbestosis in the 1930s, 1940s, 1950s and 1960s. In 1957, NSC's published report of the annual National Safety Congress mentioned that asbestos work carried the risk of lung cancer.

Between March 5, 1956 and April 1, 1959, Sperry Gyroscope (Division of Sperry Rand) was a member of the Industrial Hygiene Foundation. The IHF index card memorializing this listed the corporate medical director, RJ Murray, as the contact person for Sperry. During that period, Dr. Murray received IHF's monthly Industrial Hygiene Digest. The Digest contained summaries, or abstracts, of articles on occupational health from journals published all over the world. At least 10 abstracts concerned asbestos, many also mentioning cancer as a possible occupational hazard of work with asbestos. A 1956 German paper was described as saying, "Malignant growths of the pleura seem to occur more often in asbestos workers than in other persons."

Directories of the American Industrial Hygiene Association list Sperry Gyroscope medical director Raymond J. Murray as an AIHA member in 1958 and 1959, and Sperry's Frederick Kiefer as a member in 1959. The 1970-71 membership directory of AIHA lists E. Roscoe Evavold of Sperry Rand as a member. Members of AIHA included the industrial hygiene specialists for the leading industrial companies. As members of AIHA, they received the American Industrial Hygiene Association Journal, which carried an Industrial Hygiene Guide warning of the asbestosis and cancer hazard of asbestos in 1958 and an articles mentioning asbestos such as Marr's 1964 report on asbestosis at the Long Beach Naval Shipyard.

Sperry-Rand was listed 34th in Fortune's 500 largest companies in the US in 1961. The firm's industrial production (flight systems equipment, agricultural machinery, office products) warranted the employment of occupational health professionals such as Dr. Murray, Mr. Kiefer, and Mr. Evavold. These people were specialists in the field and presumably knew asbestos was a notoriously dangerous industrial dust. Industrial manufacturing plants routinely used asbestos-containing thermal insulation and other asbestos materials. With the creation of OSHA and EPA, with their rulemakings starting in 1971, and all the publicity about asbestos air pollution in the New York Times and The New Yorker, it is likely that corporate officials at the Sperry Rand Building in Manhattan were aware of the increasing concern over the lethality of asbestos during the 1960s and 1970s.

Asbestos was the most prominent toxic substance regulated by OSHA and EPA in the 1970s. Because of its widespread presence in industrial thermal insulation and use in industrial products, company managers should have been aware of its presence in their industrial premises and possibly also their products during that time. National and international

authorities repeatedly asserted between 1972-1980 that there was no (non-zero) level of exposure to airborne asbestos dust that could be considered free from the risk of cancer.

By the 1980s, there was growing concern over asbestos in buildings as a hazard to people who lived or worked in them. In 1980, Congress passed legislation to help states and local governments to evaluate dangers and make renovations in schools. In 1981, the Attorney General recommended that "school authorities faced with substantial expenditures in removing or containing friable asbestos should, as a matter of utmost agency, consult with qualified counsel to determine whether they should file litigation" [as] "at least three school districts have already done." By the time the Asbestos Hazard Emergency Response Act was passed in 1986, EPA estimated that students and school employees in at least 35,000 schools were potentially exposed to friable asbestos. In 1988, EPA estimated that 501,000 public and commercial buildings in the US had damaged friable asbestos materials. By this time, efforts were underway to remove asbestos materials from public and privately owned buildings including the Federal Building in San Francisco and the Chase Manhattan Bank headquarters in New York.

The building where Michael Lombardo worked from 1974 until the early 1990s was originally an industrial building making computers and related electrical equipment. Abatement reports from 1986 noted the presence of asbestos-containing materials including pipe and boiler insulation, asbestos cement, acoustic ceiling insulation, and vinyl asbestos flooring. I understand that the building was still also used for manufacturing and was gradually being converted to office space for around 10 years after Mr. Lombardo began working there. Sperry should have anticipated that building renovations would disturb asbestos-containing material, endangering the workers doing the renovations as well as others working in the building.