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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 **EDWARD GUERRA,**

13 Plaintiff,

14 vs.

15 **BONDEX INTERNATIONAL, INC.**
16 **et al.**

17 Defendants.

) Case No. BC 365479

)
) Assigned for all Purposes to
) The Honorable Rita Miller
) Department 16

) **DECLARATION OF**
) **MARGARET J. BAUMGARDNER,**
) **CRMC RESEARCH COORDINATOR**

)
) Complaint File: January 29, 2007
) Trial Date: January 7, 2008
)
)
)
)
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22 "My name is Margaret J. Baumgardner. I am over the age of 18, and of sound mind, capable
23 of making this declaration. All the statements contained herein are true and correct, and are based on
24 my personal knowledge.

25 I am not a party to this action. I have personal knowledge of the facts set forth in this
26 declaration, and if called as a witness, I could and would competently testify as to the truth of the
27 matters set forth herein.

28 I am the Research Coordinator for the Claims Resolution Management Corporation

1 (“CRMC”), a wholly owned subsidiary of the Manville Personal Injury Settlement Trust (“Trust”).
2 The CRMC was created in December 1998, and is staffed by former Trust employees. On January 1,
3 1999, CRMC began providing claims resolution facility services to the Trust.

4 In this position, I manage the Asbestos Claims Research Facility (“Facility”), a document and
5 records repository located at 3390 Peoria Street, Suite 304, Aurora, Colorado. The Facility contains
6 the business records including but not limited to correspondence, memoranda, reports, records and
7 data compilations (“record”) of Manville Corporation or related entities (“Manville”), generally, as
8 well as Manville records relevant to litigation of asbestos liability. The Trust has managed and
9 operated the Facility from November 28, 1988, the date on which the Manville bankruptcy plan was
10 consummated.

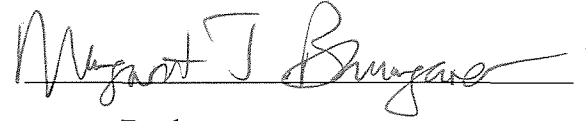
11 My experience and familiarity with the documents at the Facility began in 1983 while working
12 for Manville. In my work as a paralegal for Manville, I assisted in locating, indexing, and packing
13 many of the records which became the foundation documents for the Facility. I continued to work for
14 Manville until September 1987. From March 1988 to September 1988, I was hired to supervise and
15 assist in the indexing of the first 20,000 boxes which were turned over to the Trust in November
16 1988. From September 1988 to January 1989, I assisted in the privilege review of documents to be
17 given to the Trust. From November 1988 to April 1994, I worked for Freeborn & Peters and was put
18 in charge of the Facility, managing all production and “new” acquisitions. In September 1995, I was
19 hired by the Trust to manage the Facility. In December 1998, I was hired by the CRMC to manage
20 the Facility for the Trust. Accordingly, I am personally familiar with many of the records stored at
21 the Facility, as well as how the records have been gathered.

22 To the best of my knowledge, information and belief, I certify that these records were made at
23 or near the time by, or from information transmitted by, a person with knowledge, were kept in the
24 course of the regularly conducted business activity of Manville, and it was the regular practice and the
25 business activity of Manville to make the records.

26 Documents from this facility were copied for the firm Simon, Eddins & Greenstone. The
27 copies have come from files and microfilm at the Facility and are bates labeled CRMC-SEG-002757
28 through CRMC-SEG-002769 and these documents are true and correct copies of documents found at

1 the Facility.

2 I declare, under penalty of perjury under the laws of the State of California, that the above is
3 true and correct. Executed in Aurora, Colorado on January 8th, 2008.”

4
5 

6 Declarant

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over eighteen years of age and not a party to the within action; my business address is 301 East Ocean Blvd., Suite 1950, Long Beach, California. I am employed in Los Angeles County, California.

On the date set forth below, I served the foregoing document(s) described as:

DECLARATION OF MARGARET J. BAUMGARDNER

On all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope(s) addressed and sent as follows:

SEE ATTACHED SERVICE LIST

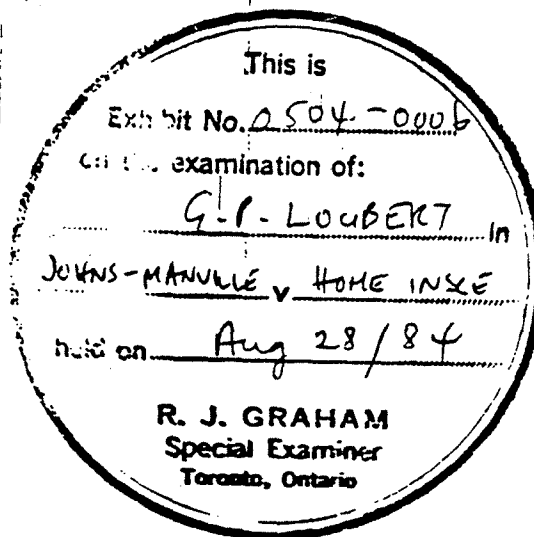
[] BY MAIL: I caused such envelope(s) to be deposited in the mail at Long Beach, California with postage thereon fully prepaid to the office of the addressee(s) as indicated above. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

[] BY FACSIMILE: I caused a courtesy copy to be transmitted by facsimile to the facsimile number of the offices of the addressee(s) as indicated above and below (see service list).

[] BY FEDERAL EXPRESS: I caused such envelope to be transmitted by federal express for next day delivery (by 10:30 a.m.) to the offices of the addressee(s).

I declare under penalty of perjury, under the laws of the State of California that the above is true and correct.

Executed this _____ day of _____ 2008, at Long Beach, California



September 12, 1966

Mr. Noel Hendry
Canadian Johns Manville Co. Ltd.
Asbestos, Quebec
Canada

Dear Noel

Just to be sure you have a copy, an article that appeared in Chemical Week magazine is inclosed.

So that you'll know that Asbestos is not the only contaminat⁴⁵⁴, a second article from O.P. & D Reporter assesses a share of the blame on trees.

My answer to the problem is: if you have enjoyed a good life while working with asbestos products why not die from it. There's got to be some cause.

Director Of Purchases

E. A. Martin

EAM:MAC
EEC:

CRMC-SEG-002757

Asbestos: Awaiting Trial

Asbestos lined ducts used in centrally air conditioned buildings.
Asbestos dusts and insulation in home central-heating plants.
Motor vehicle brake linings and clutch plates.
Auto undercoatings.
Asbestos ceiling and floor tiles.
Asbestos shingles and siding.
Construction and demolition.
Filling, cutting, and removing asbestos-filled wallboards and floorings, piping and insulation.
Incineration of asbestos-filled scrap.
Improperly filtered effluent from asbestos processing plants.

Sources of airborne asbestos

The asbestos industry—whose products are valued at more than \$500 million/year—may be in for a shake-up. It could come in the form of federal legislation limiting the use of asbestos, because asbestos has been accused—though not yet "consolidated"—as a significant health hazard. Probable candidates for asbestos markets include:

Recent studies have convinced U.S. Public Health Service specialists that about 40% of all Americans have mild, chronic cases of asbestos, even though most of them never worked directly with asbestos. Unlike other asbestos dust particles, asbestos fibers have the ability—most as much as activated carbon—to absorb polycyclic hydrocarbons and aromatic amines. Furthermore, 10% of the asbestos fibers in the lungs can come from a variety of sources (table above). And medical experts say there's no way to assure hydropneumothorax content in those lung deposits.

American Cancer Society research on lung cancer there is a hypothesis that asbestos fibers in the lungs can come from a variety of sources (table above). The latest asbestos worker is well protected, the asbestos worker is well protected, the asbestos worker is well protected. The latest asbestos worker is well protected, the asbestos worker is well protected, the asbestos worker is well protected.

Asbestos fibers in the lungs can come from a variety of sources (table above). The latest asbestos worker is well protected, the asbestos worker is well protected, the asbestos worker is well protected. The latest asbestos worker is well protected, the asbestos worker is well protected, the asbestos worker is well protected.

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October 8, 1966

CHEMICAL WEEK

- 3 VIEWPOINT: Wage-price guideposts have broken down, and unless labor and management voluntarily repair them, mandatory controls are inevitable.
- 7 U.S. Public Health Service and Johns-Manville deny conclusions that asbestos has been shown to be a public health hazard.
- 25 Seeking "fair share" of low-cost petrochemical feedstocks: As Dow and Hess seem about to get special import quotas, others eye foreign trade zone bids.
- 27 For companies that store oils, chemicals, other fluids in rented tank farms: 30 accountants' committee suggests safeguards to prevent another "soy oil fiasco."
- 28 New forum, old debate: Spokesman for domestic and foreign producers of synthetic organic chemicals sum up latest tariff arguments for AIChE members.
- 29 Financial revelations coming from chemical companies and divisions: Discretion still prevails over disclosure, but reporting of divisional data to be required.
- 30 More mergers and acquisitions: Sohio becomes full owner of Mountaineer Carbon; Alco gets Rubber-Plastics Industries; Sherwin-Williams buys Sprayon Products.
- 31 High court to rule on disputes of big concern to chemical companies—such as conglomerate mergers, franchise dealerships, "piggyback" freight, "hot cargo."
- 43 Diaz Administration intent on boosting fertilizer and pesticides production to help feed growing population, gives Mexico a better foreign trade balance.
- 66 'Continental' executives living in Puerto Rico find that the U.S. territory combines the pleasures and problems of a foreign assignment.
- 110 New orders for nonelectrical equipment are running 23% ahead of last year, but not all six machinery makers are sharing equally in the boom.

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79 Rare earths are literally lighting their way to new applications in fluorescent and high-pressure discharge lamps, as well as in color TV.

CRMC-SEG-002759

[illegible]

Asbestos Safety Reaffirmed

To THE EDITOR: The article titled "Asbestos: Awaiting 'Trial'" (CW, Sept. 10, p. 12) contains many inaccuracies, which have led to erroneous assumptions and false conclusions. Briefly, the facts are these:

(1) Asbestos is a uniquely useful product serving the needs of modern man and society, and it is not likely to be replaced by economically feasible synthetic polymers, or anything else, in the foreseeable future.

(2) No published reports, even the most speculative, support the generalized statements in your article regarding health effects of possible exposure to asbestos.

(3) There is no basis for the suggestion that Congress "may act" regarding asbestos use, for no such proposals are being considered by Congress. We are informed that the congressman quoted as predicting action disclaims any knowledge of health evidence relating to asbestos or of proposals to control its use.

(4) No evidence exists to show that asbestos poses health risks for the general public or to show that even 1% of Americans have "mild chronic asbestosis," much less the 40% figure you give in your article.

(5) Regarding your list of "sources of airborne asbestos," there are no data to support the contention in your article that the "man on the street" is exposed to asbestos from these sources, or indeed that these sources contribute asbestos to the ambient air.

(6) We know of no data to support your claim of a sixfold increase in so-called "asbestos-related cancer."

As you doubtless realize, the proper conduct of our business requires us to keep abreast of scientific developments regarding asbestos, both medical and technical. It is our opinion that synthetic polymers are not likely in the

foreseeable future to completely replace asbestos in the many applications for which it is now used. Any synthetics would have to prove superior to natural asbestos and be economically competitive.

As to health aspects, in June of this year the U.S. Surgeon General appeared before the Senate Public Works Subcommittee on Air and Water Pollution, with Senator Edmund Muskie of Maine as chairman, to discuss various problems relating to air-pollution abatement. Surgeon General William Stewart enumerated a number of substances in common use, including plastics and asbestos, about which he said: "The public health hazards that may arise from these aspects of environmental contamination have not been adequately documented. In each instance further investigation is needed to determine whether health is indeed threatened and what control measures may be necessary."

In these days when all substances in our air and water and even the food we eat are constantly under scrutiny, as to their effects on the public, the fact that asbestos is among the subjects of investigation is not surprising. In fact, we have always supported and will continue to support investigations by the U.S. Public Health Service and other research scientists.

ROGER HACKNEY
Vice-President
Johns-Manville Corp.
New York

To THE EDITOR: In reference to your article, "Asbestos: Awaiting 'Trial'" (Sept. 10, p. 12), we know of no scientific evidence supporting the statement that "40% of all Americans have mild, chronic cases of asbestosis."

Even in the asbestos industry, where more is known about exposure levels than among the general population, there is imprecise knowledge about the health effects of exposure to asbestos.

With the cooperation of labor and industry, the Division of Occupational Health has under way a long-range, in-depth study to answer this question, as well as to develop better criteria for the safe handling and manufacture

of asbestos. In the meantime, however, the division will continue to promote the application of known control methods so that the workplace can be kept as healthy as possible.

MURRAY C. BROWN, M.D.
Chief

Division of Occupational Health
Department of Health, Education
& Welfare
Public Health Service
Washington, D.C.

CW is pleased to set the record straight. Some of those interviewed apparently drew unwarranted conclusions from insufficient and dubious data.—Ed.

MEETINGS

Assoc. of Official Analytical Chemists, annual meeting, Town Hotel, Maryland Motor Hotel, Washington, D.C., Oct. 10-13.

Technicon International Symposium on automation in analytical chemistry, Statler-Hilton Hotel, New York, Oct. 17-19.

Drug, Chemical & Allied Trades Assn., annual meeting, Hollywood Beach Hotel, Hollywood, Fla., Oct. 20-22.

Commercial Chemical Development Assn., discussion of packaging, Drake Hotel, Chicago, Oct. 24-25.

National Assn. of Purchasing Agents, Chemical Group, annual fall conference, Continental Plaza Hotel, Chicago, Oct. 27.

Society of Engineering Sciences, fourth technical meeting, North Carolina State University, Raleigh, Oct. 31-Nov. 2.

American Society for Metals, national metal congress and exposition, McCormick Place, Chicago, Oct. 31-Nov. 3.

Parental Drug Assn., annual convention, Statler-Hilton Hotel, New York, Nov. 1-4.

Fertilizer Industry round-table conference, Mayflower Hotel, Washington, D.C., Nov. 2-4.

The Society of the Plastics Industry, 11th plastics film, sheeting and coated fabrics conference, Waldorf Astoria Hotel, New York, Nov. 4-10; conference on cellular plastics in transportation, Elgin Water Beach Hotel, Chicago, Nov. 25-27.

The Franklin Institute Research Laboratories, fourth annual symposium on the organic-solid state, Philadelphia, Nov. 14.

General Atomic Division of General Dynamics Corp., and Air Force Office of Scientific Research, fundamentals of gas-surface interactions, San Diego, Calif., Dec. 14-16.

CW welcomes expressions of opinion from readers. The only requirements: that they be pertinent, as brief as possible.

Address all correspondence to: H. C. E. Johnson, Chemical Week, 330 West 42nd St., New York, N.Y. 10036.

102542

October 3, 1966 CHEMICAL WEEK 7

CRMC-SEG-002760

CM100 230359

FILE - H/F Prod Tax

JANUARY 7, 1969

Mr. Harry Stolar
General Manager
Friction Materials Division
Bendix Corporation
Troy, New York 12181

Dear Mr. Stolar:

It was a pleasure talking with you yesterday and as you requested I am enclosing two copies of our position paper on Asbestos with regard to environmental health. If there is anything further you need on this, please let me know because we do have an Environmental Health group in J-M who are equipped to help our customers.

Very truly yours,

H. G. DONOVAN
PRODUCT MARKETING MANAGER - A.P.D.

Ecc: N. W. Hendry, Asbestos 1500
E. M. Fenner, Research
J. F. Reis, Albany Office
File
cc

CRMC-SEG-002761

ASBESTOS AND HUMAN HEALTH

INTRODUCTION

Asbestos, known since antiquity, has wide-spread and important applications in our modern industrial society. With the 20th Century burgeoning of the uses of asbestos has come recognition of the need to cope with occupational hazards associated with excessive inhalation of asbestos dust. This statement summarizes the essential uses of asbestos, the known facts about health problems associated with occupational exposure to asbestos dust, and the research being conducted to identify and reduce these health risks.

AN ESSENTIAL PRODUCT

Asbestos has many essential functions in construction, in industry and in transportation. Over the years fireproof asbestos has saved thousands of lives and much valuable property. For safety, fire prevention and other reasons, products containing asbestos are used in schools, houses, theaters, ships, office and other public buildings, furnaces, boilers and firefighting equipment. The brakes on automobiles, trucks, buses and trains are dependable because asbestos is a major component of brake linings.

CRMC-SEG-002762

More

WHAT IS ASBESTOS?

Asbestos (from the Greek "unquenched") is the name given a family of mineral fibers comprised of three major types -- chrysotile, crocidolite and amosite - - each of which differs from the other; physically and chemically. Studies of the relationship between asbestos and health are complicated by this diversity.

Chrysotile is a white magnesium silicate, can be attacked by acids, has a positive electrical charge, is flexible and not easily pulverized. Crocidolite is a blue ferrous sodium silicate, is acid-resistant, has a negative electrical charge, and is less flexible than chrysotile. Amosite is a ferrous magnesium silicate with a negative electrical charge, is brittle and easily pulverized.

In the United States, chrysotile, amosite and crocidolite are all used, but chrysotile is by far the most common, accounting for about 90 per cent of the asbestos consumed in this country.

NO RISK SHOWN FOR GENERAL PUBLIC

CRMC-SEG-002763

In studies of asbestos exposure and human health, research has not shown evidence of any risk to the general public from the use of finished asbestos products. There is no scientific evidence that anyone has ever contracted any disease from exposure to the wearing or weathering of brake linings, floor tile, roofing or other products containing asbestos.

The lungs of workers known to have repeated exposure to the inhalation

of asbestos fiber over a period of months or years contain myriads of small microscopic sized structures composed of fiber coated with layers of protein and iron pigment. The fiber within the coating, under the circumstances, is assumed to be asbestos and the small unit therefore is called an "asbestos body." These bodies are found in the lungs of those who are occupationally exposed to asbestos fibers, regardless of whether or not there is any coexisting evidence of asbestosis. Therefore the bodies, as such, are not an indication of disease but rather only of previous exposure to asbestos fibers.

CRMC-SEG-002764

Recently, by utilizing special techniques, it has been shown that the lungs of persons from the general population rather frequently contain a very scant number of similar small bodies composed of a fiber coated with protein and iron pigment. In these instances, it cannot be assumed that the fiber of these bodies is "asbestos," since other fibrous materials are known to develop a similar appearance within the lungs. For the present, the term "ferruginous" or iron-coated body is more appropriate

The finding of ferruginous bodies in such small numbers in no way indicates that disease caused by asbestos fiber coexists and the presence of such bodies does not, in any way, justify a diagnosis of asbestos-caused disease. If it is ultimately shown that these small bodies are in fact protein covered asbestos fibers their wide dispersion in the population would not be too surprising in view of the many opportunities, from baby powder to building construction, for a small number of asbestos fibers to exist from time to time in the air that the general public

breathes. The presence of these few fibers bodies in the lungs of the majority of the population is not associated with specific lung disease but simply reflects the chance inhalation of fibrous material. The complete implications of large numbers of ferruginous bodies within the lungs await further research.

KNOW AND SUSPECTED OCCUPATIONAL RISKS

For workers who handle asbestos fibers in mines, mills, factories, and some building and insulation trades, the industry shares with doctors, public health officials and others involved in industrial medicine a concern about possible health effects from excessive on-the-job exposure to asbestos dust.

ASBESTOSIS: The industry long ago recognized the risk of a particular lung disease called asbestosis among some workers and took steps to safeguard employees. This non-malignant disease is brought on after inhalation of excessive concentrations of asbestos dust over a period of many years.

Asbestosis is one of the lung diseases called pneumoconioses. Others are silicosis, from silica (stone) dust; talcosis from talc, anthracosis, from coal dust. These are considered industrial health risks against which the various industries have instituted protective measures.

For years, the asbestos industry has taken protective measures to reduce excessive exposures to asbestos dust and the risk of asbestosis among its workers.

CRMC-SEG-002765

More . . .

BRONCHOGENIC (LUNG) CANCER: The industry is aware of some medical studies that have reported an association between excessive exposure to asbestos dust and an increased risk of a certain type of lung cancer (bronchogenic). Even though the number of these cases among asbestos industry workers is only a small fraction of the total employed, the industry considers the problem a serious one. It has become the subject of considerable scientific research through statistical, clinical and pathological studies of exposed workers; through experimental studies with laboratory animals; and through studies of the physical and chemical nature of asbestos and associated minerals. Recent studies have suggested that the trace metals often found with asbestos dust (nickel, cobalt and chrome) should be examined more closely.

In 1967, results of a study of deaths occurring among a group of insulation workers indicated that occupational exposure to asbestos greatly increased the risk of lung cancer but only among cigarette smokers. Although the number of deaths involved was small, the study showed no cases of lung cancer among insulation workers who were non-smokers.

MESOTHELIOMA: Also under study is a rare disease called mesothelioma, a tumor of the chest and abdominal cavity which is different from bronchogenic lung cancer. Recently, investigators have associated a frequency of cases of mesothelioma with exposure to asbestos in certain geographic locations. This was originally reported from South African areas where only crocidolite asbestos is produced.

CRMC-SEG-002766

Mesothelioma has been reported so infrequently that there are no

accurate figures on its occurrence in the U.S. as a whole. In Britain, only two cases are currently being reported for every thousand cases of lung cancer. The search for the cause of such a rare disease is difficult, particularly since medical people themselves do not agree on its diagnosis and recognition. The asbestos industry, through research grants, is seeking more knowledge about mesothelioma.

INDUSTRIAL HYGIENE AND PREVENTIVE MEDICINE

Today, the asbestos industry has invested millions of dollars in equipment and techniques to prevent the inhalation of asbestos dust by workers in the mining and milling of asbestos and in the manufacture of asbestos-containing products. Johns-Manville continually strives to eliminate dust exposure in the mines and plants which it operates. Processing areas and machinery are equipped with dust-collecting devices. Atmospheric dust levels are regularly monitored. Filters and ventilators have been installed. Individual respirators are used where indicated. Employees are given physical examinations, including chest x-rays, on a scheduled basis.

A program of consultation with asbestos fabricators and applicators is carried on to provide a thorough understanding of potential risks and to encourage general adherence to sound industrial hygiene practices.

Studies in asbestos-using industries in England and the U. S. indicate that where dust control measures have been taken, the risks of lung diseases have been reduced.

ASBESTOS AND HEALTH RESEARCH

Scientific research to identify and reduce the health risk from asbestos dust exposure is being conducted in many places throughout the world. The asbestos industry both sponsors such research and cooperates in work being done by government agencies and private medical investigator

Johns-Manville has extended full cooperation to the U. S. Public Health Service in its study of asbestos processing plants. In addition, the company provides funds, asbestos materials, equipment and information, as the individual situation may require, for research of such organization as: The Industrial Hygiene Foundation of America, The Asbestosis Research Council (headquartered in Great Britain), The Institute of Occupational and Environmental Health in Montreal, The Environmental Health Center at Mt. Sinai Hospital and others. Johns-Manville also conducts studies on technical aspects of asbestos in its own Research and Engineering Center at Manville, New Jersey.

Among the subjects scientists are now exploring are: the specific identification and health significance of fiber-like (ferruginous) bodies found in lung tissues; the health of asbestos mining, processing and fabricating workers compared with the general population; the relationship between cigarette smoking and cancer among asbestos insulation workers; the accurate identification of particles found in the air over a major industrial city; and the development and evaluation of the most effective industrial hygiene practices for use in the asbestos industry.

In cooperation and in conjunction with other agencies, the asbestos industry will continue to seek new information about the biological effects of asbestos fiber and to develop ways of assuring maximum possible protection from occupational hazards, for its employees in asbestos mines, mills and plants and among fabricators and applicators of this essential material.

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