

take similar action.

In a larger context, if NIOSH must remain in Rockville, the Administration might be forced to reevaluate the entire program and its relationship to CDC. The officials of CDC, led by Dr. William Foege and the NIOSH director, Dr. J. Donald Millar, had argued that moving NIOSH from Rockville to Atlanta headquarters would make possible a smoother integration of related programs in preventive medicine.

The future role of NIOSH was the subject of hearings before a House Education and Labor subcommittee headed by Rep. Joseph M. Gaydos (D-Pa.). One panel consisted of Drs. John Finklea, Marcus M. Key and Morton Corn, the two former NIOSH Directors and the erstwhile Assistant Secretary of Labor for OSHA. A second panel consisted of Dr. William N. Rom of the Rocky Mountain Center for Occupational and Environmental Health at the University of Utah Medical Center; Dr. Raymond R. Suskind of the University of Cincinnati's Department of Environmental Health and Dr. Gareth M. Green of Johns Hopkins School of Hygiene and Public Health.

An industry panel was composed of Drs. Merle Bundy, Director of Industrial Medicine at United States Steel; Dr. Lloyd Tepper, corporate medical director of Air Products & Chemicals, and Dr. H. Dean Belk, corporate medical director of Alcoa. Each discussed NIOSH from various vantage points.

Dr. Corn was particularly enthusiastic about the Educational Resource Centers (ERCs), which face a massive cut in funds. Dr. Corn said:

"The ERC's are without question the most innovative and major contribution made by NIOSH since its inception. Many mistakenly think that professional aspects of occupational safety and health are common sense and easily acquired; they are not. It is a complex field of endeavor. The conceptual basis of the field is untidy; it has technical and behavioral ingredients. If one overlays these complexities with the relevant social and political factors, it becomes a very difficult field in which to accomplish anything.

"Training in the core areas of medicine, hygiene, safety and nursing has lagged in the United States. Schools training and educating these professionals have cycled with the economic largesse of the federal government. The demand for professionals created by the Occupational Safety and Health Act brought many newcomers into the field, many with very poor educational background for the responsibilities they had to bear.

"The NIOSH ERC's were aimed at concentrating the resources of training in this field. Practitioners know that teamwork among the core discipline specialists is necessary to achieve solutions to field problems. Therefore, ERC's were designed to bring together all of these educational elements, to be characterized by exchange of views and skills not only in the classroom, but also in the research laboratory and in the field."

The industry panel, which presented its testimony jointly, said it found "great disappointment" in the agency's past performance, but said it could be corrected with proper direction and resources.

"Since NIOSH is a scientific agency, it should conduct intramural research, not merely supervise the awarding of funds to others," they said. "If NIOSH were viewed as having an administrative disbursement function only, it would obviously lose its better scientists. It is inappropriate for NIOSH to be drawn into abstract or theoretical pursuits only vaguely related to worker health. Guidance of research efforts must closely reflect the needs of OSHA, of working people, and of those responsible for health at the workplace. "Some research is best left to others who are better equipped; carcinogenesis, for example, is probably best dealt with by the vast resources of the National Cancer Institute. On the other hand, research in ergonomics and human factors, safety information and technology, and noise and hearing is clearly appropriate."

LEGISLATION PERMITTING SHARING OF ASBESTOS COMPENSATION INTRODUCED:

Johns-Manville and other asbestos manufacturers have been buried under compensation suits filed by workers (or their families) who contended they have become ill as a result of exposure to asbestos. Now comes Sen. Gary Hart (D-Colo.), whose state includes Johns-Manville, to introduce legislation which would permit other companies and the Government to share the compensation costs.

Because of the long latency period for asbestos-related diseases, including cancer, many workers are currently denied adequate compensation under state worker's compensation laws and, as an alternative, they have gone to court to sue. Hart called the procedure "inadequate, unfair and unsatisfactory."

PLAINTIFF'S
EXHIBIT

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His bill sets Federal minimum standards for determining compensation for asbestos-related disease; establishes a commission of government, health, labor and industry experts to develop criteria for awards; and would ensure that "all responsible parties" would contribute the compensation, including industry and government, which operates shipyards.

The legislation, known as the Asbestos Health Hazards Compensation Act of 1981 (S. 1643), is strongly supported by the newly minted Asbestos Compensation Coalition, the asbestos workers unions and the companies.

Adherence to the minimum standards of the bill is voluntary by the state. However, if the state or federal workers' compensation agency fails to award the compensation equivalent to that provided by the bill, the claimant can petition for review of the award by the Benefits Review Board established by the Longshoremen's and Harbor Workers Compensation Act.

The Benefits Review Board will have the power to order an employer to pay the appropriate level of compensation according to the standards established in the bill.

Of major significance, the bill includes provisions allowing an employer who pays an award to bring other responsible parties into the proceedings so that a determination can be made regarding their contribution to the compensation.

Section 8(a) of the bill establishes an Apportionment Criteria Commission, to be made up of ten members plus a chairman appointed by the President. The membership includes representatives from the Department of Labor, Health & Human Services, Justice Department, two from the asbestos industry, two from state workers' comp boards, three Presidential appointees from labor, business and insurance.

Section 8(c) states:

"The criteria developed by the Commission shall include the establishment of percentage rates of liability for a variety of factors, including, but not limited to:

"(1) The party or parties responsible for the manufacture, design, formula, preparation, assembly, testing, warning, instruction, marketing, packaging, distribution or labeling of any asbestos product;

"(2) The party or parties responsible for control of the workplace environment and for publishing safe exposure limits for the workplace environment;

"(3) The party or parties responsible for establishing the criteria to which product specifications were designed and products manufactured."

The workers' compensation agency, state or federal, will designate the last private or public employer who exposed the affected person to asbestos to pay compensation for the claimant, and will require other responsible parties subject to the order or award to reimburse such employer.

In introducing the legislation, Sen. Hart acknowledged that it was not the final answer to the compensation dilemma, but expressed the hope that it will serve as a starting point in Congress.

"This legislation attempts to take only the first step toward developing a system that quickly distributes compensation benefits to asbestos disease victims and fairly apportions the cost of such benefits among all responsible parties," he said.

TEAMSTERS TELL MEMBERS NOT TO HANDLE FRUIT TREATED WITH EDB:

The International Brotherhood of Teamsters, which has filed a petition with OSHA seeking an emergency temporary standard on the fumigant ethylene dibromide (EDB), has advised its members to refuse to handle fruit treated with it until it is proven safe to do so. EDB is used to fumigate fruit in California, Texas and Florida.

Teamsters' president Roy L. Williams stated: "A growing body of medical evidence shows EDB likely to cause cancer and birth defects. No Teamster should handle the chemical or fruit fumigated with it unless he is absolutely certain he or she is not being exposed to EDB.

"We have petitioned OSHA to tightly regulate this dangerous chemical, and until we can be sure our members are adequately protected, they aren't to handle EDB."

Williams' stand came as several fruit producers were set to begin EDB fumigation of California fruit bound for Japan.

Note: The EDB controversy, particularly in California, has turned highly political—with Agriculture Department officials urging its use against the Medfly outbreak, and state officials opposed to it. Asked