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J-M tells its Indian affiliate to improve health standards

By BARBARA COOK

DENVER — In response to "a great deal of incorrect information" about Johns-Manville's involvement in an Indian asbestos cement plant printed in an Indian magazine which served as the basis for an article in last week's Gazette, J-M officials opened their records this week to present a more complete picture of the situation.

James Reis, director of asbestos policy at J-M's Denver corportate headquarters, said environmentalist Barry Castleman's report on conditions at the Shree Digvijay Cement Co. Ltd. plant in Ahmedabad, India, carried in the June 13 issue of Economic and Polictaicl Weekly, "is not factual, and we have repeatedly pointed that out to him that."

The Shree Digvijay plant is described in the article as a classic example of wanton disregard of asbestos safety standards. J-M, the article stated, is the "exclusive seller" of Shree Digvijay products shipped to the Middle East and Africa. Further, asbestos products distributed by J-M display no warning labels, the article said.

Yet Reis said the link between the two companies is not nearly as complete as the article would suggest.

"We have never been and are not now the exclusive seller," he said, with J-M providing only one-seventh of the plant's asbestos in 1980.

Johns-Manville has less than a 10 percent ownership in the company, he said, dating from the early 1960s, when J-M was consultant to companies around the world which were building asbestos plants. Shree Digvijay was one of them.

The plant was sold to the Indian company in 1960 or 1961 with the highest technical standards and equipment of the time, he said.

The under 10 percent ownership came about as partial payment for the technology. But J-M has no one on the board of directors and the nature of the ownership "does not entail day-to-day operations," Reis said.

Reis asserts that J-M adheres to established safety standards while doing business overseas.

"Every bag of raw fiber that J-M ships to India has a warning label on it in six languages," he said.

While it is true that the finished asbestos-cement products do not have warning labels, there is no requirement of that, even in the United States, Reis said, since products in which the asbestos fiber is bound are excluded. "The danger is from the raw fiber which can get into the lungs." Reis said.

Although Castleman has appeared in Manville with slides showing unhealthy handling of the raw asbestos fiber by Shree Digvijay workers, J-M records indicate that the company has consistently prodded their Indian affiliate to improve health standards.

"We are concerned with the way asbestos products are used around the world which are giving asbestos a bad image," Reis stated.

After a J-M team visited the Shree Digvijay plant in September 1977, they wrote in a J-M memorandum: "The plant currently has a very severe dust problem with asbstos fiber as well as cement. Most of the fiber handling and usage is done by hand and with shovels without dust control of any kind. Further, the Indian Government Environment Division has been recently tightening dust emissions (standards) and Shree Digvijay has been told to either shape up or close down, with their management liable for jail sentences."

J-M offered technical assitance for the plant to clean up, and a January 1978 communication from Shree Digvijay, says they followed J-M's recommendations, contacted dust control experts and had, in fact, "already entrusted certain jobs to them."

J-M followed up the next year with a compilation of asbestos and health materials which the Indian plant management promised to disseminate "to all concerned people in my plant," according to an October 1979 letter.

But in August 1980 Johns-Manville senior vice presidnet Monroe Harris wrote to Indian officials "to draw your attention to a number of recent events which could have a profound influence upon the future of the asbestos cement industry in India."

The letter describes J-M's efforts "both in determining the causal factors" leading to asbestos-related diseases and in developing techology to "assure that asbestos can be mined, milled, shipped and manufactured into a finished product in a safe manner."

The letter called for a timetable for cleanup completion at Shree Digvijay.

In November 1980, a J-M environmental control engineering team visited Shree Digvijay and issued four pages of detailed recommendation for cleanup.

A December 1980 followup visit and letter indicated that steps had been taken to implement the the recommendations, and that further steps were underway, with safety equipment ordered.

According records from another visit on March 12, the Shree Digvijay had "made prgress" cleaning up and that "most of the equipment which we recommended has at least been ordered."

Shree Digvijay was again urged "to give thsese projects the highest priority possible."

Reis contends that the record shows J-M's consistent efforts to exercise what limited influence they have with Shree Digvijay. "Yes, we do have a policy, but our policy is not a slamming of the door," he said.

He noted that if J-M quits selling asbestos to India, other countries will quickly fill the gap.

Asbestos distribution a global issue

By BARBARA COOK

Even as it is being sued by thousands of persons in this country who have contracted asbestos-related diseases, the Johns-Manville Corp. reportedly continues to be involved in the same unhealthful production and distribution practices of asbestos products overseas, especially in Third World countries.

In an article recently published in India in a weekly described by the Indian Consulate in New York City as a "highly respected and reputable weekly magazine which covers economic and political issues," it was reported that Johns-Manville provides the raw materials for, and is "exclusive seller" of, asbestos products manufactured and distributed under conditions which are illegal and known to cause cancer in the Western world.

The Shree Digvijay Cement Co. Ltd. of Ahmedabad produces 50,000 tons per year of asbestos-cement pipe sheet and its "foreign collaborator" is the Johns-Manville Corporation, the June 13 issue of Economic and Political Weekly states.

Shree Digvijay has been a "steady customer" for Canadian asbestos fiber mined by Johns-Manville, according to the article, which goes on to describe how asbestos-laden solid wastes and process water are dumped outside of the Ahmedabad plant "in a completely wanton manner."

"Children play on the waste dumps, ànd workers ae not informed of the lethal dangers of the dust," it continues.

"Johns-Manville is the exclusive seller of Shree Digvijay products shipped to the Middle East and Africa. Ironically, these products bear no warning labels, yet Johns-Manville is being sued for billions of dollars by thousands of American workers with cancer and asbestosis for not having affixed warning labels on products sold in the US until 1964," it says.

It appears to be a tenuous situation for a company which is claiming prior lack of medical knowledge as a legal defense against pending asbestos litigation in this country.

Johns-Manville notes in its own 1980 annual report that since the mid-1970s, the company has sold asbestos fiber in the United States "only in pressure pack, block form or other similar condition, and not in loose form."

Dennis Markusson, the company's assistant corporate counsel in charge of asbestos litigation, notes in Insight 81, J-M's quarterly publication for investors, that J-M's safety practices and warning labels since 1964 are a main defense against the suits.

There is a long latency period betweeen exposure and manifestation of asbestos-related diseases, from 15 to 30 years, and Markusson says that a "vast majority" of the disease manifested in the 1970s was the result of exposure in the '40s and '50s, "before medical knowledge was advanced enough to alert industry to the scope of the problem."

"If you condense all the legal theories, you end up with basically three: the foreseeability defense based upon the medical knowledge at the time of exposure, use of asbestos by 'sophisticated users,' and negligence by the plaintiff which is characteristic in cigarette smoking cases."

"The state of medical knowledge theory boils down to the issue of foreseeability — that is, when was it reasonably foreseeable that asbestos insulation products presented a hazard and therefore gave rise to a duty to warn. We know that J-M started to label all its insulation products in 1964, so that's not an issue."

As to whether the company should have done so earlier, Markusson said that "because we believe it first became a duty in 1964 — and the medical literature supports that belief — J-M satisfied its duty and thus didn't, as a matter of law, place a defective product on the market."

Environmental consultant Barry Castleman, who co-authored the Indian article, in a telephone interview accused J-M of "selling asbestos without warning of risk, while knowing it full well."

"It's a continuing pattern," he added. "It's what they've always done. What they're doing in India is what they've always done in the United States."

As most Americans now realize, and many local residents tragically know full well, breathing asbestos fibers causes lung damage and may lead to cancer.

Indeed, J-M is defendant or co-defendant in nearly 6,000 asbestos lawsuits lawsuits brought by present or former insualation, shipyard and factory workers and other persons alleging damage to their health from exposure to dust from asbestos fibers or asbestos products manufatuered or sold by J-M and other defendants.

Yet the overseas market is a profitable one. Despite fact that J-M's net sales in 1980 were $10 million lower than 1979 net sales, "for all of 1980, net sales by overseas subsidiaries were 18 percent higher than for 1979," according to company figures.

"To avoid the cost of regulations and lawsuits for damages, multinational firms have looked to developing nations as sanctuaries to manufacture cheaply, and as a 'last frontier' for developing new markets," the Economic and Political Weekly article explained.

In a May 28 Insight interview with senior J-M vice president Earl Parker and Markusson regarding J-M's defenses, Markusson discussed the "sophisticated user theory," which focuses on the knowlege of the employer at the time of exposure.

"In terms of warnings, there is nothing about asbestos that Johns-Manville could have told sophisticated maunfacturers back then that they didn't already know."

Regarding punitive damages for the future, Markusson said:

"If the notion is to punish, then at some point it goes beyond punishing and becomes an abuse of due process or at least nonsensical. If it's intended to deter, then that wouldn't apply in asbstos cases because in most cases the products aren't manufactured anymore."

Except overseas, where the profit is still to be made and life apparently is still cheap.

For, as the Indian article points out, "Even in the apparent vacuum of government regulation, it is appalling that these giant asbestos companies conduct business under such conditions in India and elsewhere."