

WORKERS SUING ASBESTOS COMPANIES OVER HEALTH HAZARDS

WASHINGTON — An asbestos insulation installer who got asbestosis was recently awarded \$200,000 in a lawsuit filed against Johns Manville Corp., manufacturer of the insulation.

The defendant was an installer from 1948 until 1966, when his illness was diagnosed as asbestosis and he quit working on the advice of his doctors.

The jury rejected the company's argument that it could not have foreseen the danger to the worker and that the statute of limitations for a claim had expired. The U.S. Court of Appeals for the Eighth Circuit upheld the jury's decision in favor of the worker.

The case is important because the Court of Appeals determined that there is no "magic moment" at which a worker can be said to have developed asbestosis, explains Roy Steinfurth, head of the Asbestos Workers' Insulators Health Hazard Program. The statutory period during which a worker can file a claim should begin when his disease becomes manifest — usually when he becomes disabled — the court said.

Johns Manville also is the target of several other lawsuits brought by workers. A class action suit was filed recently on behalf of 2,200 workers in the company's Manville, N.J. plant, who argue that the firm failed to safeguard its employees or to warn them about the hazards of asbestos.

Earlier this year, some 160 former employees of Raybestos-Manhattan, Inc. of Passaic, N.J., filed a class action suit charging Johns Manville and four other companies with exposing them to the risk of cancer and other asbestos-related diseases by failing to provide adequate warnings about the health hazards of their products.

Several smaller class action suits also are in the works, Steinfurth says. "We expect to see many more such claims, because more and more people are dying of asbestos disease," he says. "We're just now starting to hear of cases of cancer and asbestosis among guys who started working around the time of World War II."

The union now is keeping track of causes of death among all its members and has launched an education program among members' families urging them to permit autopsies that would prove asbestos-related disease.

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