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\$1.5 million is awarded in asbestos case

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He was 9 years old and, like most boys his age, he liked to roughhouse with his father.

But the innocent behavior of a father and his child led to Raymond D. Smith's death 15 years later when he was just 21 years old.

Smith's young wife, Darlene, and their three sons, ages 7 and 9, won a verdict of \$1.5 million in Allegheny County Common Pleas Court last week when a jury decided that Smith's death on Sept. 5, 1980, was the result of exposure to asbestos when he was a child.

Smith, who was working part-time and finishing his last year of college in Iowa at the time of his death, grew up near a PPG Industries plant in Port Allegany, McKean County.

His father, Raymond L. Smith, worked there for four years — first as a "feeder," sitting open big bags of asbestos and tawing them into a hopper, and then on the plant's assembly line.

When he came home at the end of a day, his work clothes, boots and lunch pail bore the dusty signs of his work. He even brought home some of the empty asbestos sacks, which his wife used to make curtains for their 8-by-35-foot trailer.

From 1944 through 1968, the Smith family did not know the dangers associated with asbestos dust.

Fifteen years later, the younger Smith was diagnosed as having mesothelioma, a form of lung cancer associated with exposure to asbestos dust.

The two-week trial before Common Pleas Judge Silvestri Silvestri was the first "bystander case" involving asbestos tried in Pennsylvania, according to attorney Stanley W. Greenfield, who represented Darlene Smith, now of Allentown, Lehigh County.

Greenfield said mesothelioma "is known classically to be associated with asbestos exposure."

He called seven medical experts who testified about the relationship between exposure to asbestos and the disease. Greenfield said medical literature on the subject shows that, in 80 percent of all documented cases of mesothelioma, the victims also had a history of exposure to the cancer-causing substance.

If Smith had died of another type of cancer, Greenfield said, it would have been tougher to prove a correlation between Smith's early exposure to asbestos dust and the disease.

The jury in the case returned a verdict of \$1.5 million against Cape Industries Ltd. and its subsidiary, Cape Asbestos Fibres Ltd. Cape is a London-based mining operation and a distributor of asbestos. In addition to the jury's award, Darlene Smith is entitled to \$500,741 in interest payments.

Pittsburgh Corning Corp. and PPG Industries Inc. were named as defendants in the suit, but settlements were reached with both of those firms.

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