

all too clear that there was not nearly enough concern about the hazard, and as a result, the largest single occupational health problem of our time--at least to date--has come about. This tragedy has affected and will affect hundreds of thousands, has caused and will cause incalculable human suffering, and will probably maintain its number one position until our ultimate confrontation with the undisposed of, and perhaps undisposable, nuclear waste.

The basic question, of course, insofar as any system of reparations is concerned, is who will bear the obvious pecuniary loss. We can only compensate with money. Like Lady MacBeth's doctor, the law cannot minister to a mind diseased nor pluck from the memory a rooted sorrow. The question is simply who shall pay for the loss and how this can best be determined. Under the present system, we put the burden upon a few insurance companies who happened to insure insulation manufacturers years ago, at a time when the catastrophic results of the use of the product insured were clearly beyond the contemplation of the underwriters, even though the courts have charged the insureds with constructive knowledge of the hazard. Further, we determine the liability through the application of rules of law never designed for such a situation, and, because of the magnitude of the litigation, we compromise the body of our law by judicial