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CONFIDENTIAL ATTORNEY WORK PRODUCT

FROM Barry Castleman

Asbestosis in Philip Carey Manufacturing Corporation -- Actual Knowledge

Burton LeDoux report "Asbestosis" and the asbestos strike of 1949 --

Pierre Elliott Trudeau's book, "The Asbestos Strike", tells us (241-242) that LeDoux had previously written exposes of silicosis in Quebec, creating a scandal in 1948(274). His investigation of the asbestos mines was written entirely about Quebec Asbestos Corp., Ltd. a subsidiary of Carey now called Carey Canadian Mines. LeDoux's account was printed in the newspaper Le Devoir, "an indictment that filled several full pages of the newspaper", according to the Trudeau book. One would think the sole industry in the town of East Broughton would have read news stories entitled, "Asbestosis at East Broughton - A village of 3,000 Suffocated by Dust", printed January 12, 1949. The book recalls that Le Devoir hardly let a day pass for the next month without adding reports and editorials on asbestosis. One of the reporters of this scene, Gerard Pelletier of Le Devoir, is the raconteur of this chapter of Trudeau's book and is, I believe, today an ambassador for the Canadian government or some such thing (I know his son is a reporter in Washington). He describes the workers of East Broughton as "preeminently the victims of asbestosis" and yet the only unionists who did not join the 5-month strike in the asbestos mines that began on February 13, 1949 (247).

The account of LeDoux that I have came from an asbestos worker in the Toronto area, Eddie Cauchi (123 Bloor St. W. Apt. 405, Oshkawa, Ontario L15 1P5 Canada). It includes case histories of workers disabled by asbestosis, local docs who were afraid to tell them so, estimates of how much profit Carey mined out of the town, heavy pollution in town, commentary on the "ample and authoritative medical literature ... that the disease is incurable and fatal (35); and culminates with what LeDoux calls "proof of company and government responsibility" starting in 1944 (48). This is a thorough, piercing, investigative report, and no summary can do it justice.

Wheatley Report, 1944 --

According to the memo of lawyer Sabourin at the end of this report, it was prepared in 1944 and sent around to compensation officials and pulmonary experts in Quebec. This report, written by a medical director of Metropolitan Life, includes data on pp 2-3 that was never published in the literature, showing that a survey of 195 asbestos miners in Asbestos (Johns-Manville) and Thetford Mines (a town at the center of a mining area a few miles away from Carey's East Broughton mines) had found 42 cases of asbestosis; with apparently most of those with more than 10 years of exposure showing the disease. (The original data dated from 1930.) I cannot say for certain that Carey saw these reports or that Carey employees were subjects of the 1930 study. Note that the report says asbestosis was compensable in Quebec, as of sometime before 1944.

Asbestosis and Pulmonary Cancer --

The Saranac Lab was commissioned by the Quebec Asbestos Mining Association (of which Carey was doubtless a member) to test Canadian chrysotile asbestos in mice by inhalation. By May 1952, this preliminary report of 14 months testing appeared, and shortly thereafter Vorwald was canned at the Lab and the study apparently halted. ..."there does appear to be a trend toward a greater incidence of tumors in the exposed animals than in the control animals...if the ratios of tumor incidence at the next period when animals are killed are similar to those for the 14-month interval, the trend which is now noted may finally be shown to be statistically significant..." (1-2)

also says "a 30 year period" - back to 1932

Contract Unit Compensation Claims --

Carey and other manufacturers of insulation were also in the contracting business. They bid on construction and shipyard jobs, hired insulation installers, and used their own products. In some states, when these workers became disabled with asbestosis, they had to list as defendants all the companies where they had worked. The main source of contract unit comp claims was a list supplied in discovery by Armstrong Cork, of 14 pages of such claims starting in 1953. It turned out that Carey and other manufacturers showed up as co-defendants in these compensation proceedings.

James W. Riley Case 57 LA 183-835 insulator for over 35 years, totally disabled and award granted in 1959; Carey brought in on reapportionment request by one of the parties held liable in 1960; Carey also a party served with 4-28-61 notice "on the issue of apportionment of newly joined parties defendant and penalty for wilful failure to pay compensation, and death benefits". I have no record showing that Carey actually paid comp in this case, but they received numerous notices from the state Industrial Accident Commission, etc.

L. Streithorst Case 60 SF 192 145 -- disabled with asbestosis, age 70. He died from stomach cancer. Carey noticed with the rest of the defendants March 3, 1960. No copies from the original file, only my notes.

Steve Gilivich -- Case 61 OAK 7152 Carey brought into the case on 8-29-62. Compromise settlement in December 1964 for asbestosis disability. Carey paid $192 as share of a compromise settlement.

Anthony Onofrio -- Unlike the three above cases, which were from California, this was filed in Connecticut. It was referred from the first district to the third. They have a card file indicating a findings and award with 14 stipulations dated September 11, 1963. Philip Carey is listed as paying $363. The woman on the other end of the phone said she'd look for the findings and award documents, and I never heard from her on that or checked back. 203-789-7512
(send me a copy of anything you get)

A. Everitt -- Case 63 OAK 11139 Carey brought in January 20, 1964; petition to include Carey and other additional defendants withdrawn two days later(my notes from Motley; no documents to this effect) but documents through 1966 show notices in the case being sent to Carey. My notes say the case was settled by all defendants including Carey on September 12, 1966.

Montreal Star Expose -- March 20, 1975

This pair of articles shows that the Thetford Mines Clinic was seeing workers with occupational disease from asbestos dust and rating them "grade A" in health. The clinic was operated since 1940 by Dr. Paul Cartier, who soon after this report retired. The good Dr. told at least one worker he was in A condition and the fellow developed asbestosis and died all within less than 2 years later. This clinic was used by Carey and several other companies, all US-based by the way.

Cancer Reports by Dr. Paul Cartier 1952-1955 --

Published report AMA Arch. Industr. Hlth. 11: 204-207 (1955) presented in 1953 shows 6 cases of bronchogenic carcinoma among 40 asbestos miners with asbestosis seen at autopsy (15%). Cartier sidesteps this saying that there were also 7 cases of lung cancer among non-asbestotic miners. He doesn't say how many, however, and

quickly goes on to say that "therefore, the part played by the asbestotic fibrosis (in causing lung cancer) remains questionable". It would have been less confusing if he had said how many miners he had autopsied, without asbestosis, among whom the seven cases of lung cancer were found. (see next paper)

Cartier, Paul -- unpublished presentation at the Seventh Saranac Symposium, 1952

This comes from the Vorwald archives, belatedly discovered (that is, they were discovered by the defendants before the plaintiffs) at the Armed Forces Institute of Pathology, Walter Reed Hospital, Washington. In it, Vorwald's table 5 shows a total of 53 autopsied cases from the asbestos mines around Thetford. By this time, there were 34 seen with asbestosis and four also had LCa; of 19 without asbestosis, six had LCa (31.5%). So it seems that what Cartier neglects to say in his presentation that got published, is that an even greater fraction of the miners without asbestosis got LCa than with asbestosis. I would like to have seen Cartier present his full finding for publication, roughly 15% of the asbestotic miners dying with lung cancer, and 30% of the non-asbestotic miners dying with it; and then try to explain on that basis that asbestosis protects people from LCa. The more obvious explanation, of course, was that asbestosis caused lung cancer even in quantities insufficient to produce asbestosis. And the reason that more asbestotics didn't die from cancer was that their asbestosis killed them first. This was suggested by Linzbach and Wedler in 1941, by the way.

Dr. Cartier spends his winters in Daytona, Florida, and as far as I know he has not been deposed. Aliki Hotel

The Mancuso Documents you already have, so no need to note them here.

Minutes of the Quebec Asbestos Mining Assn. are believed to be stored at their offices in Quebec City. However, the provincial govt has intervened in helping QAMA to keep these documents from being surrendered to plaintiffs in the USA. (for more info call Ed Rubin 215-368-3600)

DCB

Paul Gillenwater has the best collection of contract unit claim files, and some of the guys in California have certified copies of some of the files, too. (615-691-3350) Also, Asbestos Consultant 803-798-7602

My information is incomplete, but I have no indication that Carey was a member of Industrial Hygiene (now Health) Foundation. However, if they were in IHF, they would have received abstracts of many articles in the medical literature on asbestosis in the Industrial Hygiene Digest. IHF might tell if they were a member, and if so for how long (Pittsburgh).