FILE NAME: Baldwin (BALD)

DATE: 0000

DOC#: BALD068

DOCUMENT DESCRIPTION: Legal - Excerpt - Barry Castleman Declaration

The Encyclopedia Britannica made reference to asbestos as one of the causes of occupational cancer under the title "cancer" in 1952.

E. End Product Users

34. There were many articles coming out in the 1940's and 1950's that noted the risk of asbestosis and in some cases cancer in individuals who were exposed to asbestos in the course of using asbestos-containing products; there were more than 50 separate case reports, some involving one or two individuals, some involving as many as ten or more. These case reports were published mostly in the English language in medical journals between 1932 and 1963. These reports are tabulated in Chapter 5, Tables 2 and 3 in my book, Asbestos: Medical and Legal Aspects.

35. Companies marketing products that could give rise to respirable asbestos dust either were or should have been aware that most dusts can either cause or aggravate problems in the lungs of end-product users. Some specific company knowledge includes the following. Westinghouse's medical director wrote a book in 1947 in which he state that asbestos produced serious effects, including the progressive disease of asbestosis, yet the company did virtually nothing to warn users of its products until required to do so by federal regulations.

F. Baldwin Locomotive and the Railroad Industry

36. Dust counts at Lima Locomotive Works foundry were done at least as far back as 1939, according to reports of officials of the Industrial Commission of Ohio. Baldwin Locomotive Works had been subject to at least one claim for death from the occupational disease silicosis by 1946, arising from exposure of less than 4 years' duration. In 1952, subsequent to the merger of Baldwin and Lima, another death claim was filed involving asbestos exposure and asbestosis from use of insulation on steam locomotives. Asbestos hazards were well known in

BERGMAN & FROCKT
705 SECOND AVENUE, SUITE 1601
SEATTLE, WA 98104
TELEPHONE: 206.957.9510

the railroad industry, as evidenced by the recorded proceedings of the Medical Section of the Association of American Railroads for the years 1935, 1937, 1951-53, and 1958.

CONCLUSION

37. So to summarize, the literature had largely established by the late 1940s that asbestos inhalation could cause lung cancer. There were several dozen reports of cases as well as editorials and other publications referring to the cancer risk of asbestos in the literature. Most of the authors by that time were concluding that asbestos probably or definitely caused cancer of the lungs, and in some cases cancers of the pleura were counted in as if they were also occupational pulmonary cancers caused by asbestos. The hazard of cancer from asbestos was sufficiently well-known by 1949 to start appearing in more general references like Scientific American magazine, Newsweek, and the Encyclopedia Britannica, all by 1952. Further, the hazard of asbestos exposure to families of the workers was scientifically knowable since the 1950's. The risk of mesothelioma especially in individuals with environmental, nonoccupational asbestos exposure became a subject of intense discussion in the early 1960's subsequent to the publication Wagner and his co-workers in 1960.

38. That was what was available in the medical libraries to anyone who knew how to spell the word asbestosis. You could find the information at any time by using Index Medicus, which is a subject index of worldwide medical literature. The Index Medicus has been published since 1879 and can be used to identify articles that are newly emerging on any medical subject including asbestosis. It is one of the things I used in my research. There were many medical texts on occupational diseases, pathology, internal medicine, cancer, lung diseases, and public health, which spoke of asbestos hazards, published in the 1930s and thereafter. Also, the articles

BERGMAN & FROCKT
705 SECOND AVENUE, SUITE 1601
SEATTLE, WA 98104
TELEPHONE: 206.957.9510