Asbestos claimants ask, "Who's to blame?"

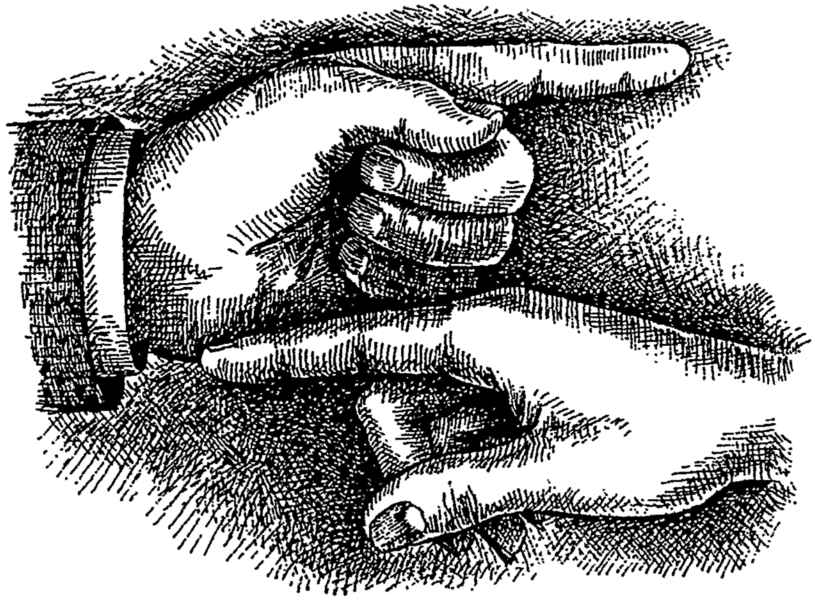
While everyone agrees that victims of asbestos-related ailments deserve compensation, there is still some argument about who should foot the bill.

"It is difficult to assess blame in asbestos cases since it can take up to 30 years for the symptoms of asbestos exposure to surface," says Carl Good, NRCA's director of membership. "Complicating the problem is the fact that many insurance policies have lapsed, leaving victims and their families without coverage."

The manufacturers, insurance companies and federal agencies involved are all responsible to some extent for the problem. The government exposed thousands of workers to asbestos as they built the warships that helped the country win WW II. Johns Manville Corp., as the world's largest producer of asbestos, is also being blamed for workers' exposure to the carcinogen.

Manville has already been hit with lawsuits totaling several million dollars filed by asbestos victims. The company responded to the crisis by filing for Chapter 11 bankruptcy in 1982, halting all litigation aimed at it until the proceedings are completed. Manville has proposed a multi-million dollar trust to aid in asbestos victim compensation, but technicalities still need to be ironed out before distribution of the fund can begin.

In light of these complications, some groups are calling for the creation of a national commission devoted solely to handling asbestos injury claims. Representative Pat Williams, D-Mont., believes that the federal government should assume some responsibility for compensating victims of occupation-related diseases. His plan calls for federalizing workers' compensation to allow for claims against the government. The congressman hopes his idea will provide a common sense, non-adversarial way to deal with the staggering backlog of asbestos claims.



Insurance hard to find

Manville's problems have not gone unnoticed by the insurance industry. As a result, contractors are finding it increasingly difficult to locate companies willing to underwrite asbestos removal. Some insurers are coming to the contractors' aid, however. One Connecticut-based contractor, the Acmat Corp., and United Coastal Insurance have undertaken a joint venture to insure high-risk clients.

To protect themselves, contractors not regularly involved in asbestos removal are taking a hard look at the job before proceeding. If they find some asbestos removal will be required, they are renegotiating their contracts to allow for the extra work or expense involved.

IN BRIEF

- **Recent asbestos litigation** includes the unanimously passed Senate bill S. 0083, the Asbestos School Abatement Act. The bill requires schools to abate asbestos hazards. House and Senate versions of the bill would allocate an additional $25 million annually through 1990 for this work. The biggest difference between House and Senate amendment proposals is a provision in the House legislation that exempts contractors and school officials from liability for personal injury or property damage resulting from abatement activities unless the damages are caused by negligent conduct. Another provision states, "An asbestos contractor or a local educational agency who is a defendant in such an action may not be held jointly liable with any other defendent in such action, but may be held severaly liable in such action."

PLAINTIFF'S EXHIBIT

BIR-563

BIRD 012240