

Asbestos firm sues tire workers

Raymark seeks repayment of claims, plus damages

By Miles Moore
RPN Washington Bureau

WASHINGTON—A major asbestos firm has filed suit in 12 states, seeking at least \$45 million in restitution and treble damages for the payments it made to more than 5,000 tire workers who made claims of asbestos-related illness.

Raymark Industries Inc. claims that the approximately \$15 million it made in payments to tire workers involved in the National Tire Workers Litigation Project were based on fraudulent illness claims.

Besides the \$45 million in restitution and treble damages, Raymark seeks exemplary, or punitive, damages and specialized damages in unspecified amounts.

Richard F. Gerry, the San Diego, Calif., attorney who helped found the National Tire Workers Litigation Project, said Raymark's accusation are not only "totally groundless," but "terribly malicious and vicious" as well.

Gerry is named as a respondent in the suit, along with Los Angeles attorney Gordon A. Stemple, his partner in the litigation project; attorneys in the 12 states who participated in the project; and the tire workers themselves.

The litigation project was formed last year, after Stemple began researching a case in Salinas, Calif., among workers at Firestone's now-closed tire plant there.

While screening the workers for evidence of exposure to high levels of benzene, Stemple claimed to find a shocking-

ly high level of asbestosis and other asbestos-related disease.

By July of last year, Stemple had tested 2,319 tire workers nationwide for asbestos-related disease. Of those, 1,337 tested positive for such illnesses, he said.

The Rubber Manufacturers Association blasted the claims, as did its member companies, who said they have found

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—Richard F. Gerry,
attorney for National Tire
Workers Litigation Project

little or no evidence of asbestos-related disease in their plants.

Stemple, Gerry and the litigation group continued to offer free medical checks to tire workers across the U.S., often in a mobile medical van designed for the purpose. By the end of the year, 19,000 workers in 12 states had been tested, and Stemple said slightly more than 5,000 were found to have evidence of asbestos-related disease.

In January 1987, the affected tire workers were approved by a federal judge in Wichita, Kan., as part of a massive judgment against Raymark involving some

20,000 workers in various industries. In the settlement, Raymark had to pay the workers a total of \$56 million, including about \$15 million to the tire workers.

Raymark has filed suit in federal district courts in such states as California, Ohio, Georgia, Indiana, Tennessee and Oklahoma—states in which the involved tire workers and their attorneys reside.

Among other things, Raymark claims in its suits it never was informed of the litigation project's activities in screening tire workers for asbestos-related disease. The company also claims that at least two of the three doctors who screened the workers and signed the medical claim forms were not qualified to do so. The doctors also are named as respondents in the suit.

Gerry said that Raymark's claim of not being informed is sheer nonsense. "We didn't hide anything," he said. "Reports of our activities were on the national news. I even told their representative, who was seated right across my desk."

As for Raymark's claim about the doctors involved in the project, Gerry said it was an outright lie. "They say the one of them was not licensed to practice in the U.S. He not only has a license, he was a commander in the U.S. Navy."

Gerry said he did not know when the first hearings on the cases would take place, since he had just been served with them. A spokesman for Raymark declined comment beyond what was already issued in the court petitions.

Schools Urged to Speed Asbestos Compliance

EPA Requires Inspections of 107,000 Buildings Within Next Year

Associated Press

The Environmental Protection Agency pleaded with the nation's schools yesterday to start new asbestos inspections immediately, warning that procrastination until next summer will mean they will not meet the deadline for a new federal law.

There will not be enough trained inspectors or asbestos program writers if too many districts let the work slide until the long vacation, Susan Vogt, deputy director of the

agency's Office of Toxic Substances, said at a news conference to unveil EPA's final school asbestos rules.

The new rules require the roughly 45,000 public and private school districts in the nation to inspect their 107,000 buildings for asbestos and decide what, if anything, to do about it.

As of April, EPA-approved courses had trained 5,000 inspectors.

In a major addition to current

requirements, inspections must cover both the dangerous crumbly kind of asbestos that can throw off breathable fibers and other kinds that would be safe if undisturbed, such as floor tile.

Asbestos, if breathed, can cause lung cancer and other disorders that may not develop for 40 years. The risk to children is a concern because asbestos was widely used for insulation in the past and because fibers lodged in children's lungs have a longer time to do damage.

A 1982 EPA rule required inspection only for breathable asbestos and notice to parents and employees if any were found.

About 30 percent of the nation's school districts had not fully complied with the rule, EPA estimated, and the agency conceded that many had used incompetent removal contractors.

Under the new rules, inspections must be made by people who have passed an EPA-approved course. All districts must submit an asbestos management plan, written by someone who has passed another EPA-approved course, to state governors by Oct. 15, 1988.

The EPA may impose a \$5,000-a-day penalty for violations.

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