

Asbestos firms cleared

By RENEE WINKLER
Of the Courier-Post

CAMDEN — A federal jury yesterday found that four asbestos suppliers were not liable for damages sought by a former Owens-Corning employee who claimed they had failed to warn him their product was dangerous.

The jury ruled that although the asbestos suppliers' failure to place warning labels on bags of their product made it unsafe, the lack of those labels was not a proximate cause of the Sicklerville man's illness.

The case, which could have ended in an award of damages for 65-year-old Thomas McGrath, was touted by lawyers as a landmark case. It was the first time a negligence case went to a jury for a verdict when the defendants were the actual miners and suppliers of the mineral.

McGrath retired from Owens-Corning in Berlin in 1974 and later learned he had contacted asbestosis,

a permanent and progressive respiratory condition caused when tiny needle-shaped asbestos fibers are inhaled and lodge in the walls of the lungs.

Owens-Corning was not a defendant because it is protected from negligence claims by New Jersey's workmen's compensation laws. McGrath has been receiving workmen's compensation since his retirement.

Within an hour of the return of the verdict, jury selection began for an identical case, one of five more scheduled for trial before U.S. District Court Judge Stanley S. Brotman.

Those lawsuits also were filed by former Owens-Corning employees. Attorneys for the four companies,

all of which are defendants in the upcoming cases, argued that McGrath contributed to his illness by failing to wear a respirator-mask supplied by Owens-Corning.

McGrath's attorney, Robert Sweeney of Cleveland, claimed McGrath removed the mask only when it became uncomfortable after being clogged with asbestos dust and fibers.

11-05 CAMDEN COURIER-POST
\$125,000

NOV 8 1979

Asbestos

AVOIDABLE EXPOSURES NOT JUSTIFIED, DESPITE WIDESPREAD USE, APHA TOLD

NEW YORK, N.Y. — (By an OSHA staff correspondent) — A leading researcher on the link between asbestos exposure and lung disease told an American Public Health Association meeting that no avoidable asbestos exposure can be justified.

Irving J. Selikoff, professor of medicine at Mt. Sinai School of Medicine, New York, N.Y., claimed that while some problems of asbestos exposure may be "insoluble" because of the mineral's unique industrial uses, exposures must be strictly limited to prevent the massive public health problems now arising from exposures which occurred 20 to 30 years ago.

If exposures are not controlled, Selikoff warned that society 30 years from now will be questioning why 1979 researchers "accepted a 7 percent death rate."

Selikoff's comments were made in response to questions raised at a session on the future of asbestos, held as part of APHA's annual meeting November 4 to 8.

One participant questioned the use of asbestos-concrete pipe in public water systems, to which Selikoff responded that little is known about the problems of ingesting asbestos.

David Rall, director of the National Institute for Environmental Health Sciences, termed the asbestos/concrete problem "a most troubling problem." He added that if the Government uses only epidemiological studies to regulate a substance, the long latent period of diseases will "make it impossible to study anything but 20-year-old exposures."

He added that while estimating "life and death" issues is hazardous, estimates are necessary to target opportunities for prevention.

One participant, quoting from the Johns-Manville Corporation 1978 annual report which showed increased overseas sales of asbestos, questioned what measures the company is taking to prevent the "exportation of health hazards" along with the substance.

Paul Kotin, Johns-Manville vice president for safety and health, replied that the company's marketing policy gives it the right to inspect customer's control of asbestos, and to make available consultation on safe use of the mineral.

Selikoff also reported the latest findings of a study he is conducting at the Key Highway Shipyard of Bethlehem Steel Company in Baltimore, Md. (Current Report, July 12, p. 123).

Eight out of nine workers at the shipyard had abnormal chest X-rays, Selikoff reported.

He noted it is particularly interesting that only repair and maintenance of older ships is done at Key Highway.

Between 1890 and 1970, more than 25 million tons of asbestos was put into the environment in a number of industrial uses, asbestos which "now has to be maintained, repaired and remodeled," Selikoff concluded.

OCCUPATIONAL SAFETY & HEALTH REPORTER

11-15-79