

FILE NAME: Insulation Contractors & Distributors (ICD)

DATE: 1960 May 4

DOC#: ICD042

DOCUMENT DESCRIPTION: Letter to Johns-Manville from Niagara Asbestos

NIAGARA

Asbestos Co., Inc.

Cleveland 5655

Insulation Products

62-66 WASHINGTON ST., BUFFALO 3, NEW YORK

May 4, 1960

Johns-Manville Sales Corp.
Jackson Building
220 Delaware Avenue
Buffalo 2, New York

Attention: George T. Parker

Gentlemen:

You will recall we previously discussed with you the problem of dust from J.M. insulations and the very serious effect it was having in our meetings with asbestos workers.

One of our former men died Aug. 8, 1959 and the cause was found to be asbestosis.

Since we endeavor to keep informed we asked Safety Management Co. to check this out for us and attach hereto a complete copy of their report for your perusal.

One single factor causes us concern and that is the statement that the last employer must bear the full burden of compensation.

We recognize the hazards of our industry and do provide safety equipment to combat it.

Here however is a problem much too large for a company such as ours yet the problem is likewise yours and the problem of all other insulation manufacturers.

We do not feel we could petition the Workmen's Compensation Board to change the W.O. law which makes the last employer fully responsible for the liability. We do feel the manufacturers could approach and probably resolve the problem. It seems to us that if the disease is built over a period of years and, if each employer paid compensation premiums on the employee, then when the liability occurs it seems right each employer should share the burden, not the last employer alone.



NIAGARA

Asbestos Co., Inc.

Cleveland 10, Ohio

Insulation Products

52-56 WASHINGTON ST., BUFFALO 3, NEW YORK

Johns-Manville Sales Corp.

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May 4, 1960

To emphasize the point, our conservative estimate of the cost of the claim now charged against us is in excess of \$20,000.00 based on \$27.00 per week for the lifetime of the widow plus funeral expenses and settlement paid.

This is one case, there surely could be more, perhaps many in the not too distant future. At some point there is liability not only on our part but on the part of the manufacturer and consumer perhaps thru product liability.

We are specifically interested in knowing if you have had this problem elsewhere in the United States? What you have done or are doing in relation to asbestos dust in your products and if somehow, industry wide, something can be done to remedy the inequity of the liability.

Please give this your consideration and early reply.

Yours very truly,

NIAGARA ASBESTOS CO., INC.

R. J. Braun
R. J. Braun

RCB/sm
Encl.



AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

I, Margaret J. Baumgardner, being of full age and first duly sworn do hereby state:

1. I am an Information Processing Coordinator for the Claims Resolution Management Corporation ("CRMC"), a wholly owned subsidiary of the Manville Personal Injury Settlement Trust ("Trust"). The CRMC was created in December 1998 and is staffed by former Trust employees. On January 1, 1999, CRMC began providing claims resolution facility services to the Trust.

2. In that position, I manage a Records Repository which is located at 11000 East 51st Avenue, Denver, Colorado.

3. The Repository contains documents obtained from Manville Corporation and related entities which relate to asbestos litigation. The Trust managed and operated the Repository from November 28, 1988, the date on which the Manville bankruptcy plan was consummated.

4. Documents from this Repository were copied for the law firm of Lipsitz & Ponterio. These documents: a two page letter from R.C. Braun of Niagara Asbestos Company, Inc. to Johns-Manville Sales Corporation dated May 4, 1960 and a two page letter from Jack M. Lovell of Safety Management Company, Inc. to Ray C. Braun of Niagara Asbestos, Inc. dated April 29, 1960 are true and correct copies of documents found at the Repository.

Further affiant sayeth not.

Margaret J. Baumgardner
Margaret J. Baumgardner

Subscribed and sworn to before
me this 28th day of March, 2000.

Jenni Hamley
Notary Public

My Commission Expires June 18, 2001
4350 Wadsworth Boulevard
Wheat Ridge, Colorado 80033

