FILE NAME: Asbestos Cement Pipe and Sheet (ACPS)

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Subject: Re: JOHN WILLIAM NAISBITT
Date: Thu, 22 Apr 1999 18:15:29 -0400
From: Barry Castleman <bcastle@mail.bcpl.lib.md.us>
To: Slater & Gordon <slatergordon@bekkers.com.au>

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Dear Luisa,

Looking through the Substance of Evidence you have submitted for me, I did not see some things that are relevant. Most of these things have been sent to your office by me over the years. My memo of Feb. 7 1997 to John and you lists a number of items mostly missing from the Substance, so I'm resending it. Some of the Turner & Newall documents referred to are pretty good in acknpowledging the hazards of A-C product use. I have also faxed you the ILO conference on shipbuilding in 1972 papers by Forster (Dust Hazards in the Processing of A-C Sheet) and the Swedes on asbestos product substitution. I also faxed something I may not have come across for you before, a 4-4-79 report I sent as a consultant to the Environmental Protection Agency, "Fabrication of Asbestos-Cement Products/ Occupational Exposure to Asbestos" concluding that the products re deadly and citing 5 references (check these). I also faxed you a paper by the Germans on "Estimation of Asbestos-Cement Dust Exposure on Building Sites" included in proceedings published by the World Health Organization in 1980. Not that an asbestos company needed to await public presentations like this, or the one by Trosper of Johns-Manville in the conference the asbestos industry held including government officials in 1976, saying uncontrolled power sawing of A-C panels yielded over 250 f/cc exposures.

I also do not see listed in my "Substance" papers by Elmes (the one commented on by T&N, "Diffuse Mesothelioma of the Pleura and Asbestos" BMJ 1: 350-353, 1965; and "The Epidemiology and Clinical Features of Asbestosis and Related Diseases" Postgrad. Med. J. 42: 623-635 esp. pp. 625 and 634, 1966). These papers are still good, even though Elmes isn't.

Among the cases of asbestosis in the literature are case reports of workers making asbestos-cement products and mixing asbestos-cement in Norway in 1941 (Schiotz) and Germany in 1960 (Nordmann & Sonnenberg) and Mexico in 1960 (Alvarado et al.). Tell me if you want these articles and the translations into English. There is also a report by a UK industry guy, JK Hindley-Smith, "Some Medical Problems of the Asbestos-Cement Industry" mentioning asbestosis, Br J Phys Med 1947 saying that asbestosis does not occur any longer at the factory under currrent conditions.

Some comments on Ferguson's statements now. He starts by saying medical science did not learn about mesothelioma from "crocidolite" until 1960. However, as we know (Ch. 2, Table 5 in my book) there were earlier references to mesothelioma from asbestos. He is honest enough to admit that 1960 and 1965 papers demonstrated that meso could occur from

exposures insufficient to produce asbestosis. But just below tht he attempts to argue that the UK standard was based on asbestosis because there wasn't "consensus" on the "mesothelial carcinogenicity" of amosite and chrysotile. What a tortured reading of history. He seems clear enough that there was a consensus on the lung cancer risks of the non-blue varieties of asbestos, about which he says nothing here. And though he might argue that lung cancer is protected against if asbestosis is, that is Not what the BOHS subcommittee on asbestos said. As to the mesothelial risk of amosite and chrysotile -- these are the types used in insulation, and the insulators studies by Selikoff had plenty of mesothelioma.

DF expresses doubt that McNulty's case reported in 1962 was from asbestos because the latency was 11 years. The defense experts here most likely disagree. It is an indication of how extreme DF's opinions are. He says Greenberg and Lloyd Davies didn't find mesos in workers described as A-C products users, but in so saying omits the reference to consumer/hobby A-C exposure causing mesotheliomas in several cases in that report (he refers to this elsewhere).

Describing the building products industry as reasonably safe in the opinion of medical scientists, he clearly omits Selikoff who warned that even the supervising architect may be at risk of asbestos disease (JAMA, 1964). Selikoff's insulators were exposed to products mainly 15% asbestos, just like A-C. Glib talk of bonded fiber-cement dust disregards asbestos exposure measurements from manipulating A-C products, and disregards the ability of the lung fluids and processes to free any asbestos fibers that are inhaled attached to cement particles. This assumption of no free fiber in A-C product workers' exposures is "supported" by a 1980 report by guys from Belgium, one from Monsanto and the other a university guy, almost certainly done at the behest of the large Eternit group based in Belgium.

His reference to the Australian National Health and Medical Research Council "Code" for small asbestos users is shocking for a 1978 statement. Who really wrote this report, do we know? Wagner's 1991 comment on chrysotile not being associated with mesothelioma is contradicted by Wagner's experimental data in rats and the WHO/International Agency for Research on Cancer monograph (1977) on asbestos which Wagner co-authored. Not that Wagner's the last word on any of this.

I am struck by the claim that the casual consumer was not thought to be at risk, when we're talking about a class of products put out to construction workers with the same complete lack of product stewardship as the farmer and the home handyman got. I hope there is occasion to put it before the judge that the unwarned exposure of millions of consumers to these products was a direct consequence of the manufacturer's failure to warn those in the channels of commerce ho were most at risk of disease from A-C products. His reference to Browne, the

UK industry's medical mouthpiece, writing in 1991 that there is a threshold of exposure for mesothelioma, is contradicted by everything else ever published on the subject (most recently the Environmental Health Criteria document on Chrysotile from the International Programme on Chemical Safety in Geneva).

It is absurd on its face to say that Mr. Naisbitt's exposure was the same as that of "the ordinary citizen". Ordinary citizens do not have such extensive exposure histories. And if you have lung or pleural tissues from hoim that may be demonstrable. Again, DF's willingness to go beyond forseeability and even question causation in this case demonstrates his extreme bias as an expert.

His notes in response to my "Substance" include comment that Britannica 1960 did not include users of asbestos-cement products. It did, listing as workers at risk of mixed pneumoconiosis, "Transite pipe workers".

I'm getting tired but can't stop before Dr. Rathus. He says he was like Dr. Walter Smither in the UK (who worked for Cape Asbestos, not the taxpayers!), cogitating on safe levels. "Reprimand and admonition play no part, now or then." This guy evidently doesn't believe in governmental regulation of hazardous industries or in the possibility that greed might tempt the industries to do bad things to the rest of us. Breathtaking. Until now I thought the defense lawyers wrote these witness statements, but not this one.

OK that's it for me for now. Get back to me with whatever you need from me, etc.

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