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## SUBJECT INDEX TO VOLUME 12

The following Index contains an alphabetical list of significant subjects presented in this volume. Abstracts are indexed by category under the heading "ABSTRACTS." Books reviewed are listed alphabetically by title under the heading "BOOKS." Obituaries and death notices are indexed under the heading "DEATHS."

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# Pulmonary Disability in Asbestos Workers

KENNETH W. SMITH, M.D., New York

Asbestosis has been described in detail in numerous published articles and texts. While it is true that cases of far-advanced asbestosis may have severe pulmonary disability, relatively few of the people exposed to the fiber develop the disease. Therefore, it is the intent in this paper to mention asbestosis only briefly and then to outline various other pulmonary disabilities seen among asbestos workers.

The word "asbestos" is generally used to describe several fibrous magnesium silicates which are different in their chemical composition and physical properties. The most important types of fibers are chrysotile, amosite, crocidolite, anthophyllite, actinolite, and tremolite. Total world production of all fibers last year amounted to slightly more than 1,500,000 tons. Approximately 95% of the fibers produced were of the chrysotile variety, 3% crocidolite, and 2% amosite. Deposits of various types of this mineral are found in many countries, but the largest mines are located in Canada and Africa.

Asbestos fibers are highly resistant to heat and acids. They have great tensile strength and large surface areas. Because of these properties as well as their filamented structure, industrial use of these fibers throughout the world is increasing. The textile industry has used them for many years to produce blankets, clothing, threads, ropes, tapes, braided tubing, and filters. In recent years, however, there has been an increasing use of asbestos in the insulation, building, and friction-material trades. In addition, the

fibers can be found in paper, wallboard, shingles, pipe covering, floor tiles, brake linings and brake blocks, cements, putties, and plastics.

It should be noted that the facts presented here apply to those persons who have been exposed only to asbestos fibers and to no other dusts. As previously indicated, industry today is finding many new uses for the fibers when they are mixed with other dusts. It is an established fact that when asbestos fibers are mixed with silica, diatomaceous earth, or other potentially toxic dusts, the pulmonary changes resulting from the inhalation of these mixtures are not typical of asbestosis. The x-ray pattern may be different, the clinical course changed, or the susceptibility to intercurrent infection increased or decreased. Thus, in making a diagnosis of occupational pulmonary disease, it is highly important to obtain a detailed occupational history, so that asbestosis, silicosis, or mixed pneumoconioses can be differentiated.

The statements and observations reported here concern several thousand men and women employed in the asbestos industry in Canada and the United States. In this industry the various mining, milling, and manufacturing operations create some dust containing asbestos fibers. If the fibers up to  $50\mu$  in length are inhaled continually in sufficient quantities over a period of several years, a typical pulmonary fibrosis will develop. It has been demonstrated that this fibrosis is due not to the chemical but rather to the mechanical action of the fibers.<sup>1</sup> The asbestos fibers are deposited in the terminal bronchioles, initiating a tissue response which coats the fiber and eventually produces what is known as the asbestos body. This appears to be a defense mechanism of the lung. Nu-

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fibrosis will usually cause finally cardiac

The pulmonary prolonged produce a first-stage, shows a function through should be lateral, that and that the of other pne are not seen

sputum of persons who have had only short and sporadic exposure to the dust. These persons are healthy and have no demonstrable signs or symptoms of asbestosis. Therefore, it seems more appropriate to use the term "asbestos" bodies rather than "asbestosis" bodies, signifying exposure to the fibers but not necessarily indicating disease.

If increasing quantities of the fibers are continually inhaled, the tissue reaction progresses, and a generalized, diffuse fibrosis gradually appears throughout the lower lobes of the lungs. With additional exposure, this



Fig. 1.—Early asbestosis.

fibrosis will spread to the other lobes, eventually causing respiratory embarrassment and finally cardiac failure.

The pulmonary fibrosis resulting from prolonged inhalation of asbestos fibers will produce a typical x-ray pattern. In early, or first-stage, asbestosis (Fig. 1), the x-ray shows a fine, diffuse, homogeneous infiltration throughout both lower lung fields. It should be noted that this infiltration is bilateral, that it is generalized at both bases, and that the nodular conglomerate patterns of other pneumoconioses, such as silicosis, are not seen in asbestosis. There is a con-

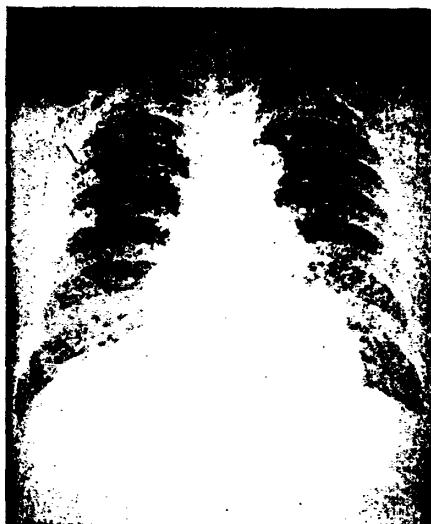


Fig. 2.—Moderately advanced asbestosis.

ated with this disease, which may account for the "ground glass" pattern which has been used to describe the typical x-ray picture.

In moderately advanced, or second-stage, asbestosis (Fig. 2), the infiltration has increased but still is confined to the lower lung fields. The "ground glass" pattern is



Fig. 3.—Far-advanced asbestosis.

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more apparent, and the heart borders are becoming indistinct or shaggy. There is some irregularity of the diaphragmatic outlines and beginning obliteration of both the cardiophrenic and the costophrenic angles.

In far-advanced, or third-stage, asbestosis (Fig. 3), the infiltration still is homogeneous and bilateral, has spread to the middle and possibly the upper portion of the lung fields, but the apices remain clear. The cardiac outline is almost completely obliterated, as are the domes of the diaphragm and the costophrenic sulci. With this picture in mind, it is advisable to reiterate the observations of many physicians, namely, that the x-ray picture should never be used to estimate the presence or the extent of impaired pulmonary function or disability. Many cases with x-ray evidence of third-stage asbestosis have been known to carry on their usual work and live fairly comfortable lives for several years. On the other hand, no case of definite disability has been seen unless there was the typical x-ray pattern.

There is no typical clinical picture for asbestosis. The disease is insidious in its onset and slowly progressive with continued inhalation of the fiber. There is a gradual increase in cough and expectoration, some anorexia and weight loss, then slowly increasing dyspnea. Cyanosis and clubbing of the fingers are rare findings. There is evidence that asbestosis will not progress after exposure ceases, but this seems to be true only if the worker does not develop an intercurrent pulmonary infection.

It will be shown that asbestos workers are not predisposed to develop more intercurrent pulmonary infections than are found in other workers. However, when an acute pneumonitis develops in the presence of an established asbestotic fibrosis, the infection is slow to heal, relapses are frequent, and the patient may be more susceptible to subsequent pulmonary infections. While it is true that the disease is slow and insidious in its onset and that people with advanced asbestosis may lead relatively normal lives, eventually the heart begins to fail, and death from cor pulmonale rapidly follows.

Gregoire\* has reported that pulmonary function studies on asbestos workers have shown that the chief physiological problem is that of a "tight" lung. The vital and maximum breathing capacities are lowered, expansion of the lung is difficult, and arterial oxygen saturation of the blood is diminished in some cases, indicating an impairment of gas transfer through the lung. Diffuse obstructive emphysema, so commonly seen in silicosis, is not apparent in asbestosis. These pulmonary function studies are of importance in the proper diagnosis of pulmonary fibrosis and the estimation of pulmonary disability. Of more importance is the fact that these tests can often help the clinician in directing the treatment of the case. Unfortunately, there are too few persons who are properly qualified today to carry out these tests and interpret the results.

An x-ray survey was made of one group of 708 employees working in an asbestos mill where the ore was dried, crushed, separated and graded, packed, and then shipped. Operations in this plant required the employees to rotate through various jobs; hence it was impossible to relate any x-ray changes to a particular job or to a specified dust concentration. At the same time it could be assumed that all members of the group had been exposed to varying concentrations of the dust. The chest x-rays of these employees were divided into three broad groups: (a) essentially normal lungs; (b) marked linear exaggeration (P-2) but no typical pattern of asbestosis, and (c) definite asbestosis.

Table 1 shows that of the 708 employees studied 649, or 91%, had normal x-rays. This is of interest because 204 employees or 29% of the total group, had 10 or more years of service, and 2 men actually had worked more than 40 years in the dust.

Table 2 indicates that 52 of the 708 employees showed a marked increase of all peribronchial markings, although none had defi-

\* Gregoire, F.: Pulmonary Function Studies in Men Exposed for Ten or More Years to Inhalation of Asbestos Fibers, read before the Seventh Saranac Symposium, 1952 (unpublished).

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Exposure, yr.....  
Employees, no.....

ate asbestosis. Inasmuch as these men had essential normal x-rays early in their employment, it is assumed that most of the lung markings were associated with subsequent dust exposures. The length of exposure and the development of x-ray changes is noted that 69% of this group had 10 or more years of exposure.

Table 3 shows that of the 708 men who had developed definite x-ray evidence of asbestosis. These men were working steadily at jobs with no signs of disability. It is of interest to note that none of these men had x-ray evidence of asbestosis in 10 years of exposure.

Frequently it has been stated that from 5 to 10 years of exposure is sufficient to develop asbestosis. The survey referred to in this paper concerned mill employees. It is possible that other operations might have different exposures with other disease exposures which might influence this estimate. Only the length of exposure and the concentration of dust in the air are factors that there is probably an inverse relationship to the development of asbestosis.

Medical literature has given little attention to occupational pulmonary disease, but very little has been recorded of the occurrence of nonoccupational pulmonary disease among those employed in the asbestos industry.

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Exposure, yr.....  
Employees, no.....

Exposure, yr.....  
Employees, no.....

## OF INDUSTRIAL HEALTH

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2. Pulmonary Function Studies or Ten or More Years to Inhalation ers, read before the Seventh Sar- 1, 1952 (unpublished).

## PULMONARY DISABILITY IN ASBESTOS WORKERS

TABLE 1.—Employees with Normal X-Rays

| Exposure, yr.....   | 1-4 | 5-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 |
|---------------------|-----|-----|-------|-------|-------|-------|-------|-------|-------|-------|
| Employees, no. .... | 294 | 151 | 94    | 40    | 44    | 16    | 5     | 3     | 1     | 1     |

nite asbestosis. Inasmuch as the majority of these men had essentially normal x-ray films early in their employment history, it is assumed that most of the later increased lung markings were associated with their subsequent dust exposures. Further indication of the length of exposure necessary to develop x-ray changes is seen when it is noted that 69% of this group had 10 or more years of exposure.

Table 3 shows that of the 708 employees 7 had developed definite x-ray evidence of asbestosis. These men exhibited various stages of pulmonary involvement, but all were working steadily at their accustomed jobs with no signs of disability. It is of interest to note that none had developed x-ray evidence of asbestosis with less than 20 years of exposure.

Frequently it has been stated that it takes from 5 to 10 years of exposure to develop asbestosis. The survey reported here concerned mill employees. It is possible that other operations might have different exposures with other disease experience. Factors which might influence this experience are not only the length of exposure or the concentration of dust in the air but also the fact that there is probably an individual susceptibility to the development of pulmonary fibrosis.

Medical literature has given considerable attention to occupational pulmonary disease, but very little has been reported on the occurrence of nonoccupational respiratory disease among those employed in the dusty

trades. The following survey was made in order to determine the incidence of non-occupational respiratory disease in another group, of 1561 men and women, working in the asbestos industry.

A review of absentee records indicated that no valid conclusions could be obtained from this source, because the reason for absence was given by the employee himself. Sickness often was used as an excuse to cover short absences for a variety of personal reasons.

It then was decided to study the claims submitted for sickness and accident insurance. All employees in the survey participated in a plan operated by an independent insurance company. Indemnification was made only after the nature of the illness had been certified by the treating physician.

The study included claims submitted over a three-year period for such illnesses as the common cold, sinusitis, pharyngitis, grippe, bronchitis, pneumonia, asthma, and pleurisy. Occupational respiratory diseases and pulmonary tuberculosis were excluded in the report.

Table 4 shows that of the 1561 employees in the survey group there were approximately equal numbers in dusty and nondusty occupations. Of all claims filed for respiratory diseases, 45% were for employees with dust exposure. Clinical observations for many years had given the impression that a dusty occupation in itself would not predispose a person to more nonoccupational respiratory disease than would a dust-free job. This survey shows that the rate of disease over

TABLE 2.—Employees with P-2 X-Ray Readings

| Exposure, yr.....   | 1-4 | 5-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 |
|---------------------|-----|-----|-------|-------|-------|-------|-------|-------|-------|-------|
| Employees, no. .... | 5   | 11  | 8     | 10    | 11    | 4     | 1     | 1     | 0     | 1     |

TABLE 3.—Employees with Asbestosis

| Exposure, yr.....   | 1-4 | 5-9 | 10-14 | 15-19 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 |
|---------------------|-----|-----|-------|-------|-------|-------|-------|-------|-------|-------|
| Employees, no. .... | 0   | 0   | 0     | 0     | 5     | 1     | 0     | 1     | 0     | 0     |

## INDUSTRIAL HEALTH

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# Evaluating Disability in Compensation for Pneumoconiosis

Legal Aspects

THEODORE C. WATERS, Baltimore

In our approach to the discussion of the subject which has been assigned to me, I should like to call to your attention that provisions for the compensation of pneumoconioses have presented some of the most controversial subjects in state legislation. In 22 states,\* benefits payable for silicosis or asbestosis are subject to limitations which are not applicable to injuries resulting from trauma; in 15 states,† compensation is not payable for partial disability, and with respect to those statutes providing compensation for pneumoconioses, there is extensive variation in the benefits paid and in the concept of disability resulting from these diseases. In my opinion, the reasons for this legislative status are as follows:

1. The fact that, upon enactment of the occupational disease compensation statutes, an employer became liable for the so-called "accrued" liability resulting from the inhalation of dust prior to the time that the law became effective.
2. Problems incident to the proper diagnosis of the disease.
3. Differentials in the concept of compensable disability.
4. Evaluation of disability.

Recorded for publication April 7, 1955.

- \* Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, and West Virginia.
- † Arizona, Colorado, Florida, Idaho, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Utah, and Vermont.

With respect to the first of these items, "accrued" liability is perhaps a misnomer, because what industry was faced with upon the enactment of the compensation statutes was potential liability for pulmonary changes resulting from extended exposure of employees to the inhalation of dust prior to the effective date of the statute. We must bear in mind that upon the enactment of the compensation statutes the employer became an insurer of the health of the employee as to these diseases. He was stripped of his common law defenses, and the continuation in employment by employees automatically imposed upon the employer responsibility for compensation.

With respect to the diagnosis of pneumoconioses, I do not need to tell this audience of the limited general medical knowledge that existed some years ago, at the time of the enactment of our compensation statutes making the diseases compensable. Industrial medicine has made great progress in this field, although there is still room for continuing improvement. In the trial of any given compensation case, commissions and courts follow the general administrative policy of giving to the claimant the benefit of every doubt; and if there is medical evidence in the record to support a diagnosis and finding of the existence of the disease, our administrative agencies are inclined to hold that the disease is compensable, irrespective of the fact that reputable, competent medical testimony will refute an affirmative diagnosis. This reason alone caused great concern to those industries having dust hazards and to insurance carriers responsible upon such risks.

With respect to concepts of disability, we again find material differences in the legislative provisions of our compensation laws.

employer and to the employee alike, I feel that the carrying policy will make the employer the health of the employee, the employee's illness is conditions that are characteristic to his employment.

And this change in concept of workmen's compensation now come to the fourth point, namely, the evaluation in compensation for pneu-

my privilege to participate in number of compensation cases is for pneumoconioses, and problem of greater importance, of solution than the question of disability. While the Commission has improved its technical diagnosis of this condition has been made in the established formula for the evaluation. Admittedly, the inhalation of dust over an extended period of time will change demonstrable occupation. All of us are exposed to dust, and we assume that it is correct to advancing age such changes are demonstrable.

Is it that a given employee's inhalation of dust, and is it that such inhalation causes disease? When does that condition abiding within the concept above referred to? When is the employee subject to exposure? Is his employment? When should he be deprived of his privilege to work in the occupation in which he was engaged? What methods of medical science to evaluate disability? What methods are available to medical science to pronounce that an employee is totally disabled? What is the basis for a diagnosis of partial disability? Did the employee at that time have the disease? Should he be compensated and have that payment

effect a release of continuing liability to his employer? Should his ability to procure other employment free from dust exposure deprive him of any continuing benefit under the compensation law? What methods are available to our commissions and courts to properly evaluate disability free and clear of prejudiced medical testimony that may be offered by the claimant? By the employer? Or by the insurer? These are the imponderables with which we are faced in our consideration of this subject.

We still do not know all the answers to these questions, but I would like to review with you briefly some of the standard legislative provisions which have attempted to deal with these matters and to establish directives to administrative agencies in handling claims. The principal legislative provisions to which I would refer are as follows.

#### 1. DENIAL OF COMPENSATION FOR PARTIAL DISABILITY

From the medical standpoint, the evaluation of partial disability resulting from pneumoconioses differs materially from scheduled injuries presently compensable for loss, or loss of use, of other parts of the body, such as an arm, leg, hand, etc. The Saranac Laboratory has been a leader in medical research attempting to find some method for the evaluation of partial disability, but its present distinguished Director, his predecessors and their associates, and other scientists engaged in these studies have not as yet found the answer to the problem. Of necessity, the attempted evaluation of a fixed percentage of disability is exceedingly complicated and unsatisfactory. Therefore, the employer and the insurer contend that compensation should not be paid unless the claimant has suffered wage loss or that compensation, if any, payable for partial disability should effect the discharge of the employer's liability within a reasonable time after termination of employment. Contra, the employee has, in fact, received some injury from the inhalation of dust and development of a demonstrable disease. Perhaps legislative provisions denying compensation for partial

disability are not thoroughly satisfactory or fair to the parties concerned with the administration of the laws, but unless and until the medical profession gives its approval to some method of evaluation of partial disability, strong arguments may be presented for this type of legislative provision.

#### 2. COMPENSATION FOR TOTAL DISABILITY

No one can challenge the propriety of paying compensation for total disability for pneumoconioses. However, what do we mean by total disability? Under the definitions above referred to, it may mean one of several things:

- a. The inability to earn any wages in the employment where last employed.
- b. The inability to perform any further work in the occupation in which the employee was engaged.
- c. The inability to earn equal wages in other suitable employment.

Under the first concept of disability, complete loss of wage is a condition precedent to an award of compensation.

Under the second concept, the employee must be unable to perform any further work in his occupation. In this class, we are faced with the administrative and court rulings that have the effect of awarding compensation in those cases where the administrative agency is of the opinion that continuing exposure is hazardous and detrimental to the claimant and, therefore, compensation for total disability should be awarded even though the claimant is able to make as much, and in some cases more, in other employment.

In the third classification, the right to recover compensation is dependent upon proof that the claimant has been incapacitated from earning equal wages in other suitable employment.

Simply to state these phases, that enter into the determination of what is and what is not a compensable claim illustrates the problems facing our compensation commissions in disposing of issues presented by this disease.

In summary, they fall into four classifications, as follows:

1. Inability of the injured employee to earn full wages in the employment in which he was last employed.†

2. Total disability rendering the employee unable to perform any further work in his then occupation or in any other trade, business, or occupation.§

3. The event of becoming incapacitated, either partially or totally, from performing his work in the last occupation in which he was exposed to the hazard of such disease.||

4. The event of becoming incapacitated from performing his work or from earning equal wages in other suitable employment.||

There can be no doubt that the basic concept of "disability" upon the enactment of the workmen's compensation laws was to provide monetary compensation for injuries resulting in a loss of wage-earning capacity resulting from the traumatic injuries or occupational diseases arising out of and in the course of employment. Unfortunately, that original concept has changed. In an effort to liberalize the administration of the laws, compensation has been, and is being, awarded not for wage loss but for what might be termed to be damages sustained by an employee during the course of his employment irrespective of wage loss. While I admit my own prejudice on behalf of the employer and the insurer, the fact is that our legislatures, commissions, and courts, interpreting and administering workmen's compensation laws, are tending to award compensation for loss of earnings irrespective of cause. Perhaps that result is socially desirable; I am not here to argue that point pro or con, but in

† Illinois, Indiana, Michigan, New York, and Rhode Island.

§ Arizona, Colorado, Nevada, New Mexico, Utah, and Vermont.

|| Florida, Georgia, Idaho, Kansas, Maryland, North Carolina, South Carolina, and South Dakota.

¶ Iowa. (Disability not defined in the States of Alabama, Arkansas, California, Connecticut, Delaware, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, Washington, West Virginia, and Wisconsin.)

fairness to the employer and to the employee, and to the public, I feel that the carrying out of such a policy will make the employer an insurer of the health of the employee, whether or not the employee's illness is attributable to conditions that are characteristic of and peculiar to his employment.

Bearing in mind this change in concept of the basic purpose of workmen's compensation legislation, we now come to the fourth reason above set forth, namely, the evaluation of disability in compensation for pneumoconioses.

It has been my privilege to participate in the trial of a number of compensation cases involving claims for pneumoconioses, and I know of no problem of greater importance and more difficult of solution than the attempted evaluation of disability. While the medical profession has improved its technique for the diagnosis of this condition, little progress has been made in the establishment of some formula for the evaluation of disability. Admittedly, the inhalation of dust over an extended period of time will cause pulmonary changes demonstrable on roentgen examination. All of us are exposed to dust, and I assume that it is correct to say that with advancing age such changes are inevitably demonstrable.

Let us assume that a given employee is exposed to the inhalation of dust, and let us assume further that such inhalation causes pulmonary changes. When does that condition become disabling within the concepts of that term as above referred to? When should the employee subject to exposure be removed from his employment? When should such employee be deprived of his privilege of continuing at work in the occupation in which he may be engaged? What methods are available to medical science to evaluate partial disability? What methods are available to medical science to pronounce that the employee is totally disabled? What sequelae result from a diagnosis of partial disability? Should the employee at that time terminate his employment? Should he be paid "X" dollars and have that payment

## EVALUATION OF DISABILITY

effect a release of continuing employment? Should his ability to continue employment free from dust be taken away? Should he be deprived of any continuing benefit under compensation law? What method should be used to evaluate disability free of prejudiced medical testimony tendered by the claimant? By the insurer? Or by the insurer? These are the questions with which we are faced in the consideration of this subject.

We still do not know all the answers to these questions, but I would like to present to you briefly some of the legislative provisions which have been enacted to deal with these matters and the administrative agencies which are interpreting the directives to administrative agencies in the handling of claims. The principal legislative provisions to which I would refer are:

### 1. DENIAL OF COMPENSATION FOR PARTIAL DISABILITY

From the medical standpoint, the distinction of partial disability resulting from pneumoconioses differs materially from injuries presently compensable for loss of use, of other parts of the body, such as an arm, leg, hand, etc. The laboratory has been a leader in research attempting to find some method for the evaluation of partial disability. Its present distinguished Director, Dr. J. H. Dececcors and their associates, scientists engaged in these studies, as yet found the answer to the question of necessity, the attempted evaluation of percentage of disability is exceedingly complicated and unsatisfactory. The employer and the insurer contend that compensation should not be paid if the claimant has suffered wage loss or if compensation, if any, payable for partial disability should effect the discharge of the employer's liability within a reasonable time after termination of employment. If an employee has, in fact, received compensation from the inhalation of dust and development of demonstrable disease. Perhaps the provisions denying compensation

### 3. VALUE OF MEDICAL BOARDS IN THE STATE ADMINISTRATIVE AGENCY

One result of the problems presented by compensation for pneumoconioses is legislative recognition of the value of Medical Boards to assist the administrative agency in its determination of issues presented in claims. The basic questions involved are medical, namely: (a) whether or not the claimant has a disease; (b) the nature and extent of disability. Owing to the highly technical nature of the medical testimony presented on behalf of the claimant or the employer, the need for Medical Boards to evaluate that testimony is imperative. The net result is that now 17 states<sup>#</sup> have Medical Boards whose decisions are either conclusive with respect to the medical issues involved in the claim or advisory to the administrative agency.

In the past, too little attention has been given to the role of the medical examiner in the administration of workmen's compensation laws. Time does not permit an extended discussion of this matter, but I express the hope and opinion that in the future our legislatures and commissions will not only recognize the need for such Boards but accept and enforce their opinions in preference to the prejudiced opinions of witnesses testifying on behalf of litigants.

### 4. EXISTING LEGISLATIVE METHODS PROVIDING COMPENSATION FOR TYPES OF DISABILITY

Time does not permit the detailed discussion of this phase of the subject that is merited, and I can only generalize with respect to it. However, I should like to call your attention to the following features of legislative provisions:

a. Denial of compensation for partial disability (discussed above).

<sup>#</sup> Arizona, Colorado, Georgia, Idaho, Iowa, Maryland, Minnesota, Nevada, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, and West Virginia.

b. Monetary limitations of compensation, including limited compensation for partial disability and escalator provisions for total disability.

c. Limitation provisions barring right to compensation from the termination of employment.

With respect to these matters, I come to you for consideration the statutes of Arkansas, Maryland, North Carolina, West Virginia, and Wisconsin. None of them is perfect, but they have attempted to provide some method for the proper compensation for partial disability with termination or continuing liability of the employer.

Perhaps the most grievous defect in our statutes is found in those sections dealing with limitation provisions relating to the time when claims must be filed in order for them to be compensable. This is a major problem, and one which presents the opportunity for extended discussion. From the standpoint of the employer and the insurer, they favor the termination of liability within a reasonable period of time after employment has ceased. From the standpoint of the employee, he feels that he is entitled to compensation beginning at any future time when the disease becomes demonstrable or disability is respectively of the date of termination of his employment. Certainly from the standpoint of legislation, we do not know the answer to this problem.

### CONCLUSION

The foregoing discussion has been presented for the purpose of directing your thoughts to those questions, medical and legal, involved in the evaluation of disability. I have attempted to address my remarks to the legal issues presented. Our state legislatures and our commissions and courts have not found the answers to the problems presented. In cooperation with our brothers of the medical profession, it is to be hoped that greater uniformity of legislation and administration may develop in this field and that justice may be done to those affected by the administration of our compensation laws.

## The Radon Problem

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The occupational exposure of workers to radioactive dust and gas has only recently become of general interest. Interest in uranium became an important factor in the search after mineral. This development resulted in the employment of large numbers of miners, so that a problem that was apparently of minor importance in the past has become one that demands attention. It is the purpose of this paper to present data on levels of radon found in uranium and nonuranium mines, to refer briefly to the possible biologic effects, and to make suggestions for the careful examination of existing data which should help in the determination of a safe working level of radon and its decay products.

All uranium ores contain radium, and therefore the radioactive gas radon is continuously produced and is released into the mine atmospheres. This gas and its decay products, RaA through RaC', are among the most important radioactive elements present in uranium mines from the standpoint of their possible biologic effects. The question then is: What are the effects produced by the inhalation of alpha-emitting radioactive elements? The results of long-term exposures should provide the data for establishing proper working levels, but unfortunately, such records are limited with respect to the elements with which we are concerned.

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