

Not told, workers say

6 charge DuPont hid data on asbestosis

By William P. Barrett
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The DuPont Co. has been sued by six long-time employees alleging the company and four of its doctors didn't disclose to them results of medical test showing they were contracting asbestosis at two DuPont plants in South Jersey.

According to the lawsuit, filed this week in Superior Court, Camden the doctors regularly examined the employees and "did ...directly conceal information" that showed symptoms of asbestosis, a serious, sometimes fatal respiratory disease caused when asbestos fibers are inhaled and lodged in the walls of the lung. The suit seeks unspecified damages.

In addition to DuPont, the Wilmington, Del.-based chemical giant, other defendants include the four doctors—William E. Nield Jr., G.F. Reichweim, Albinas Smulkstys, and H.J. Stein—and nine companies that purportedly supplied asbestos to DuPont.

The six employees were all involved in the installation of asbestos insulation at either the Chambers Works plant in Deepwater, Salem County, or the Repauno plant in Gibbstown, Gloucester County, according to the suit. The two plants do not manufacture asbestos.

Each worker is over 50 years old with an average of 27 years' service with DuPont, according to their lawyer, William Tomar of Haddonfield, who added that "numerous" other employees will join the suit.

He called the suit "novel" because it seeks to hold the doctors liable in their capacity as doctors as well as in their capacity as company employees.

DuPont officials generally had no comment on the suit, saying they

hadn't seen it. But the managers of the two plants involved said DuPont has always tried to protect workers from the dangers of the workplace.

Paul Humanick, manager of the 5,500-employee Chambers Works—the company's largest plant—said asbestos has not been installed as insulation since 1972, although some old asbestos insulation remains.

"We have very careful procedures here," he said.

And Ralph W. Bayer, who manages the 500-employee Repauno plant, said the negative effects of asbestos have become known only in recent years.

The only doctor who could be reached for comment was Smulkstys, who also has a private practice in Gibbstown. He said he has been a company doctor for only a few months and was not liable because he came "after all the trouble started."

The suit comes as DuPont is fighting a \$63,000 fine assessed against the Repauno plant last March by the U.S. Occupational Safety and Health Administration (OSHA) for various asbestos-related violations.

According to the OSHA citation, the plant did not adequately protect workers from the effects of asbestos, did not keep accurate and complete medical records and did not notify workers of their worsening medical condition.

Harry D. Allendorf, OSHA area manager, said the fine was one of the largest in the country ever assessed by OSHA on asbestos-related charges. A hearing on those allegations, which DuPont denies, is scheduled before an administrative law judge in Philadelphia on Feb. 28.

Robert F. O'Brien, another lawyer for the workers, said he plans to use evidence obtained by OSHA, including yearly X-rays of the workers'

lungs that OSHA has required since 1972 for workers who deal with asbestos.

Under state law, suits by workers against their employer and fellow employees for work-related disabilities are prohibited because the workers automatically qualify for workmen's compensation payments without the necessity of proving fault. Tomar said the plaintiffs would try to avoid this bar by proving DuPont and the doctors intentionally withheld the medical information.

The named workers in the suit are William B. Millison of Turnersville, Vernon G. Kronmaier of Mantua, and Edward G. Agar of Gloucester City, all employees at the Chambers Works; and Harold Schwebel of Bridgeport, Clarence Schwebel of Thorofare and Frank Baptiste of Laurel Springs, workers at the Repauno plant.

Tomar said all suffered from asbestosis, but that five of the six still work for DuPont. One is retired, Tomar said, but he didn't know which one.

The nine asbestos suppliers named as defendants are Johns-Manville Corp., Owens-Corning Fiberglas Corp., Keene Corp., Cleotex Corp., Raybestos-Manhattan Corp., Sepco Corp., Amatex Corp., Phillip Carey Co. and Limpet Corp. The suit says the firms failed to warn the workers of the dangers of their products.

In a separate suit settled earlier this month, four asbestos suppliers, including Johns-Manville, paid a total of \$345,000 to six South Jersey residents who said they contracted the illness while working at the Owens-Corning plant in Berlin. Owens-Corning was not a party to the suit because of the workers compensation bar.