

PLAINTIFF'S
EXHIBIT
DUP-2492

Du Pont is defendant in asbestos court case

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Of The Times Staff

GREENWICH TWP.— Six current and former employees of the DuPont Co., allegedly suffering from asbestos-related disorders, have charged in a civil suit that the firm, its doctors, and nine asbestos suppliers failed to advise the workers of hazards of working with the material at the firm's plants here and in Deepwater, Salem County.

The employees, four of whom are from Gloucester County, all are suffering from various stages of asbestosis, their attorneys said. The suit seeks compensatory and punitive damages against DuPont, the physicians and the asbestos makers.

The suit seeks compensation for past and future medical expenses and for lost wages resulting from the disorders.

Asbestosis is first seen as X-ray evidence of scarring of lungs, and as the disease progresses, lungs stiffen and breathing becomes difficult. Researchers have also linked some forms of cancer to asbestos particle inhalation.

The suit, filed Wednesday in Superior Court in Camden, charges that the company and physicians deliberately concealed from employees that their exposure to asbestos, and its dust and fibers had been dangerous. The suit charges the employees were allowed to further jeopardize their health by continuing to work with the product.

"We allege they (the defendants) have not diagnosed the condition as it existed or told them (the employees) about it or protected them from further exposure," said William Tomar, a Haddonfield attorney representing the workers. "These people were working with, removing and installing asbestos."

In New Jersey, Tomar explained,

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laws do not permit monetary damage amounts to be specified in suits, but he said the case could run into "millions of dollars."

David Watson, president of the Chemical and Industrial Union, an in-house bargaining unit to which the Repauno workers belong, charged the company has engaged in "gross violations of the asbestos standards," citing a \$63,000 fine assessed by the federal Occupational Safety and Health Administration (OSHA) last year for safety violations.

The asbestos manufacturers, including the Denver, Colo.-based Johns-Manville Corp., the nation's largest producer of asbestos, are also charged with being careless and negligent for

falling to provide proper labels, advice, and instructions for use with asbestos products sold to DuPont.

The plaintiffs include pipefitters and insulators at the plants, where asbestos materials have been used for insulation of pipes and tanks.

They are Vernon G. Krommaler of Mantua Township and Frank Baptiste of Laurel Springs, both pipefitters at the Repauno Works in Greenwich Township; Clarence Schwebel of West Deptford Township, an insulator at Repauno; his brother, Harold of Logan Township, a former insulator at Repauno; William B. Millison of Washington Township and Edward B. Agar of Gloucester City, insulators and pipefitters at the DuPont's Chambers Works in Deepwater. The workers' wives are also named as plaintiffs.

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All of the employees have worked at DuPont for at least 19 years, and according to Watson, are between 50 and 56 years old.

The physicians named as defendants include Dr. G. F. Reichwein, former company physician at Repauno; Dr. Albinas Smulskis, the current physician at Repauno; Dr. William E. Neild Jr., company physician at Deepwater; and Dr. H.J. Stein.

In addition to Johns-Manville, the suppliers named as defendants are Owens-Corning Fiberglass Corp., Raybestos-Manhattan Corp., Sepco Corp., Celotex Corp., Keene Corp., Amalex Corp., Phillip Carey Co. and Limpet Corp.

Also listed among the defendants are several "John Doe" parties, because

other physicians and firms may be brought into the suit later, the employees' attorneys said.

DuPont officials at the two plants declined to comment on the suit Wednesday, saying they had not been notified of it.

"We have never used asbestos as part of a process, raw material or end product," said Robert Schnalbach, employee relations supervisor at the Greenwich Township facility. "We put it on piping or vessels to retain heat."

"We have discontinued the use of any new asbestos materials at the plant and haven't put in any asbestos since 1972," he said.

Schnalbach said "60 to 70 percent of the asbestos-bearing insulation has been removed over the years."

In April 1979, however, (OSHA) fined

DuPont \$43,000 based on "willful" asbestos handling and other violations it alleges occurred at the Repauno plant between July 1978 and March 1979.

The OSHA citation said DuPont exposed workers to concentrated levels of asbestos fibers by failing to supply air purifiers and special clothing, such as coveralls, head coverings, gloves and boots, for workers in areas where the insulation was being removed from pipes and valves.

The company further exposed workers to asbestos dust and fibers by failing to wet the materials sufficiently to hold down levels of the airborne particles to acceptable levels, OSHA charged. The company also failed to post signs and caution labels to warn employees of the hazards where necessary, the citation said. DuPont also failed to monitor the amount of time its workers had spent removing asbestos insulation.

In addition, OSHA said, DuPont and its physicians failed to keep complete and accurate medical records of the employees exposed to high asbestos levels, claiming tests for asbestos exposure weren't made properly.

OSHA also said 40 percent of the chest X-rays taken of the employees exposed to asbestos were overexposed, underexposed or failed to show the subject's entire chest.

The agency also said the company failed to provide requested medical records to OSHA officials and failed to notify the employees of the results of the medical tests.

The company and its physicians failed to interpret correctly data that "gives evidence of seven cases of pleural (lung wall) thickening and two

cases of asbestosis," the agency charged.

"We've contested that citation and are currently in litigation with OSHA to solve some of the problems," Schnalbach said. Don Allendorf, area director of OSHA, confirmed that the citation is currently before an OSHA review board.

In April, company officials said that reviews of the medical records showed no conclusive evidence to support a diagnosis of asbestosis among any of the workers.

Watson, who said he initiated the complaint "that led to the OSHA citations, claimed as many as 48 of the 350 union workers at the Repauno plant may be suffering from the asbestos-related health disorders.

He claimed that since the OSHA inspections, the company has followed the asbestos regulations and has allowed the employees to visit outside medical specialists at company expense for additional tests.

"It wasn't until OSHA came on the plant that all the precautions that should have been taken years ago were taken," Watson charged.

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