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Asbestos-induced cancer ruled compensable in N. Y.; doctor urges strict control of asbestos use

by Patricia Kelsey

ROCHESTER, N. Y. — Death due to a rare asbestos-induced cancer, known as mesothelioma, has been found compensable here as the result of a ruling issued by a referee of the New York Workmen's Compensation Board.

Lawrence J. Antczak, an employee of the Mickiewicz Co., a heating and air conditioning firm located in nearby Irondequoit, died in 1970. His death was attributed to mesothelioma. He had worked with asbestos material for more than 20 years.

The referee's ruling on Feb. 27, a judgment of \$11,312 was granted to Antczak's estate. Also awarded were \$750 in burial expenses and a \$140 biweekly payment to the family.

Attorney for Antczak's estate, Richard Regan, of Hogan and Regan law firm in Rochester, told the News that he does not anticipate the insurance carrier for Mickiewicz, Continental Casualty Co., to appeal the ruling to the Appellate Court in the state of New York.

He said that Continental Casualty dropped its objections when it allegedly could not locate a physician to dispute the medical report submitted by Dr. Irving Selikoff, professor of medicine and director of the Environmental Sciences Laboratory at Mt. Sinai College of Medicine in New York City.

Regan explained that at the time of Antczak's autopsy, tissues in his lungs were removed and placed on file. When Regan filed claim with the board, he sent the tissues to Dr. Selikoff for examination.

Following analysis, the doctor reported finding asbestos fibers in

the tissues, a condition which must exist before death can be attributed to mesothelioma.

Regan added that much of Antczak's work was done in the inner city where he would convert coal furnaces to oil furnaces. Part of this work involved the packing of the outside of the furnace with a combination of powdered asbestos and water and cement.

Also, he said, asbestos exposure resulted when heating and air conditioning ducts were taped with asbestos tape, or from insulating complete burners with powdered asbestos, water, and cement.

Regan noted that he had kept Antczak's autopsy report on file for some 20 months, not knowing exactly what action could be taken. He filed his claim after reading of Dr. Selikoff's research on the subject of asbestos exposure.

He said he researched the disease and couldn't find a previous ruling for compensation. Dr. Selikoff advised that New Jersey

Workmen's Compensation Act did make allowances for the disease. It is also reported that the federal government ruled mesothelioma compensable for those who worked in the U. S. Navy shipyards during World War II.

Asbestos:

'a hidden time bomb'

Dr. Selikoff told the Senate Commerce, Environmental, Subcommittee in Washington, D. C., on Feb. 20, that asbestos was a "hidden time bomb" which would claim one million lives by the year 2000.

"All will die within the next 30

to 35 years," he told the subcommittee. This "bomb" causes cancer that may not be detected for as many as 40 years, and, he added, these victims will be persons who have worked with asbestos regularly.

Dr. Selikoff and others warned the subcommittee that it was "time to start cleaning up the asbestos mess and prevent further damage to human health. We need a bill to cover all phases of asbestos use and we need public awareness, health research, and labeling and environmental controls," they said.

"It's what's happening in 1973 that will become evident in the year 2000," Dr. Selikoff cautioned.

"Of the one million workers who already have been exposed, 200,000 will die of lung cancer, 70,000 of asbestosis or lung scarring, and 150,000 of various other ailments."

The Mickiewicz Co. did not reply to a News inquiry to comment on the ruling.

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