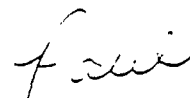


November 17, 1981

TO: B. W. Karrh
B. W. Culpepper
Asbestos Issue Coordinating Committee



FROM: PAUL H. WYCHE, JR.
Public Affairs Department
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Wilmington, Delaware 19898
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FYI. Attached is a transcript of the
ABC Nightline program on asbestos.

PHW, Jr./sle

CC: John F. McAllister
George Palmer



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Burlington, W. Culpepper, W.

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To: Paul W. He from Ray Corral

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PROGRAM:

ABC NIGHTLINE

DATE

MONDAY, NOVEMBER 9, 1981

STATION OR NETWORK:

ABC TELEVISION NETWORK

TIME:

11:30 PM, EST

ASBESTOS ABSORPTION IN PEOPLE: THE LONG RANGE EFFECTS

TED KOPPEL: Asbestos poisoning. The death rate may be 10,000 a year and damage suits have virtually created a new legal industry. We'll focus tonight on the medical tragedy and the legal quagmire as we talk live with a doctor who specializes in the field, a spokesman for the nation's leading asbestos producer, Johns-Manville, and with a victim.

ANNOUNCER: This is ABC News Nightline. Reporting from Washington, Ted Koppel.

TED KOPPEL: Good evening. People have been dying because of it since the beginning of the century. And by the time this century is over, it is estimated that half a million will have died here in the United States. Many of them--in fact, until recently, most of them--never knew what killed them. Ironically it was a product which we associate with protection. Asbestos is actually a soft rock made up of millions of compressed fibers. But when asbestos is cut or crushed, those fibers can be inhaled and that, oversimply put, is the problem.

The problem, though, has many levels, layers, and dimensions. There is the question of time. Many people who are now dying of cancer caused by asbestos fibers inhaled those fibers 20 and 30 years ago. Companies which are now being sued--and those suits threaten to run into the tens of billions of dollars--claim that the dangers of asbestos were unknown at the time that the worst damage was done. The victims, though, aren't buying that argument. In fact, as Robin Grothe reports, they are organizing themselves and fighting back with a vengeance.

(FILM SHOWN)

ROBIN GROTHE: Sunday afternoon in Santa Cruz, California. People meeting for a Sunday social like they do all across America. But these people are different in that a common substance, asbestos, has touched their lives and some are dying. They are in

this old meeting hall for the first annual A.V.A. day: Asbestos Victims of America day. And they are here because of this man, Jim Vermeulen.

JIM VERMEULEN (AVA FOUNDER): When the time bomb of asbestos exploded in my chest, it was a terribly frightening thing.

GROTHER: Vermeulen worked with asbestos for nine years. He found out only a year ago that he is dying of asbestosis, a disease he calls an insidious, unseen, and silent killer.

VERMEULEN: It's kind of like when you get a redwood splinter in your finger. And if you don't take it out, it will form a hard white scar tissue. That's what that is called. Or if you cut yourself, the hard white skin that happens there is scar tissue. So you have these hard things. Now I have a lot of asbestos fibers imbedded in my lungs. And there's all that scar tissue and it can't come out. And it's just building, building, building from within which means that my lungs are getting smaller and smaller and smaller. And it's like taking ten years to drown.

GROTHER: Forced to use an inhaler to breathe freely, Vermeulen's motto is, "Dying is a hard way to make a living". There's no question in his mind that his employers knew the dangers of asbestos.

VERMEULEN: Oh, yes. Absolutely. In the days of Pineda (?), the ancient Greek philosopher before Christ was born, he wrote that anybody that worked around the white fluffy stuff developed breathing problems and died a horrible death of coughing and racking. In 1898, Henry Lord Johns, the founder of Johns-Manville, died of a lung condition that the doctors now believe was caused by asbestos. In 1918, the life insurance companies stopped selling life insurance to asbestos company workers. Why? Because they were a poor risk. In the 1930s, the industries hired a doctor to write a report as to what's happening to our people and then suppressed the report because it reflected a negative attitude against the industry. And, after all, the injuries and deaths of millions of American workers and citizens are perpetrated in the corporate board room in the name of profit. And anything that detracts from that profit, they're going to suppress.

GROTHER: So the problems caused by asbestos are as old as the mineral itself. But Dr. Leon Gottlieb, the AVA's medical advisor, explained why the outcry is coming now.

DR. LEON GOTTLIEB (AVA ADVISOR): There's an induction period, a latent period, of 20 to 30 years in which these things will develop: Asbestosis, cancer of the lung, mesophelioma. So at this moment, the outcropping of these diseases are apparent and are a problem.

GROTHER: Some asbestosis victims must carry a tank of oxygen wherever they go. Bill Northern was struck by a stabbing chest pain during our interview. He has suffered from the disease since 1977. Is there ever a time now when you can be without that oxygen?

BILL NORTHERN (AVA MEMBER): I'm not supposed to be very far away from it at any time because when I need it, I need it quick.

GROTHER: It is Jim Vermeulen's hope that his organization will bring about a change in government safety regulations, in industry's responsibility to its workers, and most of all, to make the lives of asbestosis victims and their families a little less painful.

VERMEULEN: I figure that I'm just like the average American person who works for a living. By working for a living I provided for my own needs and the needs of my family. I contributed to the social programs of my community. I paid taxes so our state and government could function. I was not a freeloader at either end of our financial society's structure. Consequently, my logical thinking mind thought that when you're injured because of your employment, when you can no longer work because of your employment, one should be compensated immediately and adequately. And unfortunately, and I learned this to my distress, the workers compensation systems throughout our country are nothing more than a sad, sick joke.

GROTHER: Robin Grothe, ABC News, Santa Cruz, California.

(END OF FILM)

TED KOPPEL: We asked Jim Vermeulen to join us tonight. He's in the studios of our affiliate, KGO-TV, in San Francisco. Mr. Vermeulen, is it still a problem? I realize it's a problem for you. It is for thousands of others. (But) is it still a problem in so far as the danger around us?

VERMEULEN: Yes, Ted, it's very much a problem. Asbestos was used in over 3,000 various products from pot holders and ironing board covers to ceilings, floor tile, insulation, brakes, on and on and on. It's everywhere you look.

KOPPEL: But I get the impression that unless one disturbs it, it is not a problem. When you have it in your brake lining and you apply the brakes, is that the kind of thing that could cause lung cancer eventually?

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VERMEULEN: Exactly. Take a look at some of your import cars, the front wheels, for example. When you see they're all black and it's not mud, that's asbestos brake lining dust.

KOPPEL: And what is it, then, that you're after? Are you after government regulations that will---As I get the message here, it is so much a part of our society that even the most well intentioned government regulations really couldn't do much about it.

VERMEULEN: You're right, Ted. But we certainly have to inform the uninformed to spare them this needless suffering and death. The industries have concealed this killer in our society for so long now. The medical profession has been affected by it also because it's been withheld from medical textbooks as well.

KOPPEL: All right. Mr. Vermeulen, we'll be back to talk with you a little bit later in this broadcast. Dr. Phillip Polakoff, a physician who specializes in occupation related disease, says that out of 4 million workers who were heavily exposed to asbestos, more than 1½ million are expected to die of asbestos related disease. We'll talk to Dr. Polakoff in a moment and we'll look at the scope of the medical, social, and legal problems that have been created by the way asbestos was used in the past.

(COMMERCIALS)

KOPPEL: Asbestos is still widely used in manufacturing--some 350,000 tons of it per year. And, while there is still debate about safety precautions, there is no question that the way the mineral was used and handled in the past is what has created the current problem. Bettina Gregory has a report.

(FILM SHOWN)

BETTINA GREGORY: These are the lungs of a 60 year old construction worker. In 1980, the X-rays were normal but--

DR. IRVING SELIKOFF (MT. SINAI MED. CTR): --in 1981, a year later, he begins to get pain in the chest and now, while the right lung is still normal, we have a cancer in the left lung. It's highly unlikely that it can be successfully treated. It would be a remarkable thing.

GREGORY: The mineral fibers of asbestos can be spun into almost anything. It's one of the best insulation materials known to man. Some 30 million tons of asbestos have been used for everything from lining pipes and boilers in ships to ceiling tiles in insulation and construction to automobile brake linings. For years, even hair dryers were insulated with it. But the tiny fibers of asbestos can also get into the human lung and when they do, they can kill.

SELIKOFF: As a result of exposures of the past, that is, from 1940 to 1980, we anticipate somewhere around 10,000 excess deaths of cancer (sic)-or various sights-each year from now until well after the turn of the century, around 200 cancer deaths a week.

GREGORY: Asbestos was used widely during World War II as thousands of shipyard workers built an armada of ships to fight the Nazi menace. Twenty years later studies showed as many as half of these workers have asbestosis in their lungs. New studies showed a significant number of shipyard workers' wives and children had contracted the disease through exposure only to asbestos on the worker's clothing, skin, and hair.

This is the death certificate of a 42 year old woman who died last week of cancer caused by asbestos. She was never directly exposed. Her husband was, though, as are thousands of construction workers.

Since it was such an excellent insulation and fire-proofing material, asbestos was used to build schools. Nobody knows for sure how many children have been exposed but as asbestos chipped and peeled from the ceilings and walls, schools were shut down. At Yale University, they tried to scrape asbestos out of the building. But asbestos has become so woven into the whole fabric of our society, demolition is often the only way to get rid of it.

Three years ago, the government began warning workers of the dangers of asbestos with public service ads like this one.

PUBLIC SERVICE ANNOUNCEMENT ACTOR: --that after all these years they found that working around and breathing asbestos may cause bad lung diseases including cancer.

GREGORY: Nevertheless, victims like Alvie Lee Howard, who got cancer after working in an asbestos factory near Tyler, Texas, feel angry and cheated. (Talking to Alvie Howard) Do you think that they knew it was dangerous?

ALVIE LEE HOWARD (CANCER VICTIM): I don't know whether they did or not. If they did, they didn't tell me.

GREGORY: This one year of work that you had has caused you to lose your health?

HOWARD: Yes, ma'am.

GREGORY: Do you think it's caused the cancer that you have?

HOWARD: All I can go by is what the doctor said.

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GREGORY: And what did they say?

HOWARD: They said it was lung cancer from asbestos.

GREGORY: You've never been compensated in any way for your medical disability?

HOWARD: No, ma'am.

GREGORY: For the first and only known time to date, the federal government accepted responsibility and agreed to pay the workers who toiled in the thick flower-like dust of asbestos at the factory on this site \$6 million in damages. Since then, there's been an explosion of lawsuits, as many as 25,000 for an estimated \$30 billion in damages. There are more cases brought by asbestos workers than there are even for car accidents in what could well be the largest, most extensive product liability action that American industry has ever confronted. And this flood of cases hasn't yet reached the high-water mark since many people don't associate their cancer with exposure to asbestos many years ago.

The litigation has prompted industry to turn to Uncle Sam and call for help, at least in cases involving shipyard workers.

WILLIAM McLAUGHLIN (ASBESTOS COMP. COALITION): We're going to the federal government and saying, "Look. These people have a problem. We both benefited from their problem. I mean, we sold the material. You bought it. You knew as much as we did. You set the standards. We probably helped you set the standards. Now you have a responsibility here".

GREGORY: And this is only for past exposure. The effects of current exposure won't even be felt until after the turn of the century.

SELIKOFF: There is now around 30 million tons of asbestos in place in our buildings, our refineries, our shipyards, our powerhouses, our chemical plants, and our schools. And we don't quite know how to handle this.

GREGORY: Bettina Gregory, ABC News, New York.

(END OF FILM)

KOPPEL: Dr. Phillip Polakoff, the executive director of the Western Institute For Occupational And Environmental Science and a specialist in occupational disease, feels that present safety standards for asbestos are still far from adequate. Dr. Polakoff is at our affiliate, KGO-TV, in San Francisco. Dr. Polakoff, help me out with one thing: the degree to which it is still a danger today. There is, as you can imagine, a great danger of frightening a lot of people around the country by the suggestion that it's everywhere and there's nothing you can do about it. Put it into some kind of perspective, would you.

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DR. PHILLIP POLAKOFF (ASBESTOS EXPERT): Yes, We don't know the exact numbers that will die. As Dr. Selikoff has already mentioned, the numbers are significant. The overall studies haven't come in yet. We do know amongst heavily exposed asbestos workers, upwards of 40 to 50 percent can succumb to one form of cancer or another.

KOPPEL: But that's mostly relating to people who were exposed at a time when the safety precautions were not as good as they are today. Correct?

POLAKOFF: That's absolutely correct.

KOPPEL: I'm asking you about now. What is the danger now?

POLAKOFF: The danger is still significant for those who are exposed. The exact degree of danger is hard to say. If we can decrease the amount of exposure then we can decrease the amount of disease that will come on as time goes by.

KOPPEL: Dr. Polakoff, we'll be back again with you in just a couple of minutes. In fact, when we continue our discussion we'll be joined again by Jim Vermeulen of the Asbestos Victims of America and by a representative of the nation's leading asbestos producer, the Manville Corporation, which has views of its own about who should be held responsible for asbestos related disease.

(COMMERCIALS)

KOPPEL: As Bettina Gregory noted, some 25,000 persons who believe that they are victims of asbestos related disease have filed lawsuits against companies that produce, use, or sell asbestos products and that number is steadily increasing. About 8,000 of those suits are against the Johns-Manville Corporation which, as of last week, is known as the Manville Corporation. Earl Parker, a senior vice president for law and public affairs of the Manville Corporation is in our New York studios. And with us again from San Francisco are Dr. Phillip Polakoff and Jim Vermeulen, president of Asbestos Victims of America. But first, Mr. Parker, to you. You have heard some of the charges that have been leveled against the industry in general and some of the dangers that have been raised. And it's only fair to give you an opportunity to respond.

EARL PARKER (MANVILLE CORP. V.P.): Ted, we certainly agree with Dr. Polakoff that we have a very significant and a very serious problem. There is a large number of people who suffer from asbestos diseases. I would not agree with Dr. Selikoff that they're numbered in the millions. I think tens of thousands but that in itself is an extremely serious problem. As they said, it's a problem that relates to past exposure. exposure of decades ago when neither medicine nor industry nor anyone else knew that dust levels--at the level that we are experiencing then--would be this hazardous.

KOPPEL: How far in the past, Mr. Parker? And at which point would you say the industry became so aware of it that it took adequate measures to protect its workers?

PARKER: The most significant time, Ted, would be in 1964 when Dr. Selikoff published his study relating to asbestos insulation workers. Before that, we knew that dust was not a healthy situation but certainly it was not known that it was going to be as hazardous as it turned out to be.

KOPPEL: And yet you heard what Mr. Vermeulen said that it goes back, in fact, to ancient Greece. And that one of the founders of your own company apparently succumbed to that disease.

PARKER: I don't think anyone really believes that Mr. Johns died of asbestos related disease. His death certificate does not relate that. The disease was known in the 1930s but it was thought to be restricted to those people who worked in intense asbestos environments: people handling 100 percent asbestos fiber and manufacturing operations. We did not think and there was no reason to think---the federal government and industry and several different scientific studies were made in that period that concluded that asbestos insulation work was a reasonably safe occupation.

KOPPEL: Is asbestos as it now surrounds us in our daily life--whether in our cars, in our homes, in our schools, in our factories--is it safe?

PARKER: The gentleman that referred to demolition and removing asbestos--Anytime that you create an asbestos dust where there are respirable fibers, then you do have some level of hazard. But most of the products which are manufactured now are not dusty products. They're vinyl tile, they're asphalt roofing shingles, they're cement pipes, so that the manufactured products that are being made today don't have that dust potential which caused a serious problem in the past.

KOPPEL: All right. Let me ask you one more quick question before we bring our other guests in again. And that is the degree to which you feel there is a present danger with regard to asbestos in our communities around the country.

PARKER: I think asbestos, like many other substances, does have a danger to it which is eliminated if it's handled properly. A common substance like gasoline, I would say, would be far more dangerous than asbestos in our community today if it's not handled properly.

KOPPEL: I'm not sure I understand what you mean. You mean if someone throws a match into a gasoline tank, that's danger, right?

PARKER: Right. If someone allows an asbestos ceiling to become deteriorated to the point that it creates dust in the environment then you have some level of danger.

KOPPEL: Well, aren't we talking here about a level of education? I think most people know enough not to light a match around an open gasoline tank. But maybe they don't know enough about the dangers of asbestos.

PARKER: Well, that education process is going on and has been going on for a good many years. I think probably no substance or hazard has had as much media attention in the past decade as asbestos has.

KOPPEL: All right. Mr. Vermeulen, that's a reasonable point. The media has, I guess, heightened public consciousness of the problem enough, to your satisfaction?

VERMEULEN: No, Ted, they certainly haven't. And furthermore, the industry has done nothing. They've left it up to the media. This has been typical of the American industry, Johns-Manville in particular.

KOPPEL: What would you want them to do?

VERMEULEN: I'd like to have them admit that they knew asbestos was a killer before I was born!

KOPPEL: Well, if they admitted that, they'd probably be slapped with even more thousands of lawsuits than they already have.

VERMEULEN: Not really, Ted, because I think when you really come down to it, most of us wounded workers--victims of our employment--all we're basically asking is the right to die in dignity and not poverty.

KOPPEL: What about that? Mr. Parker, does the company, does your company, does the industry as a whole recognize that it has a financial obligation to these people?

PARKER: Well, just let me respond to Mr. Vermeulen's earlier point that the industry did nothing. And I think Mr. Vermeulen knows that that is not true. Industry supported many studies in the 1930s going through to 1964. In fact, Dr. Selikoff's study was supported by industry. The government participated in those studies---

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KOPPEL: I think he was talking about the publicizing of the findings of those studies, though.

PARKER: These studies had full publicity. Government participated in them, insurance companies participated in them, industry and medical science. They were not confined to industry by any means. They were supported and promoted by--

KOPPEL: And what about the second half of my question with regard to whether the industry feels that it owes anything financially to support what Mr. Vermeulen describes as the wounded workers?

PARKER: There's no doubt about that. Mr. Vermeulen and I entirely agree on that. We have a large number of people who are suffering from asbestos related disease. They have great disabilities. And we are struggling with a litigation system that simply is not designed and not adequate to handle the problems.

KOPPEL: Explain that. Why is it inadequate?

PARKER: For the simple reason that one asbestos related trial can take up to nine weeks before a jury to try. It's a terribly expensive way. The results are haphazard. One plaintiff may receive a \$1 million judgment. Another who's equally disabled might receive nothing. We spend thousands and thousands of dollars in plaintiffs legal costs and defense costs for an inadequate, haphazard system of delivering compensation.

KOPPEL: Mr. Vermeulen, I hear what sounds like the voice of reason and I'm just wondering whether you hear the same thing.

VERMEULEN: No, sir. I'm living just the exact opposite situation of what he's describing. Why is Johns-Manville fighting me for compensation awards which have been awarded by the state of California? They've refused to pay them. We had to take them back to court again and then they were slapped with a fine for non-payment. I was awarded a rehabilitation award by the state of California. Johns-Manville refused to pay that. They have now changed attorneys. We have a whole brand new bunch of attorneys fighting me, one wounded worker, and they're going to take it up to the supreme court of the state of California. Ask him where the judgment is there. This is state compensation I'm talking about.

KOPPEL: All right. Mr. Parker, where?

PARKER: I really can't discuss Mr. Vermeulen's case itself. But I do understand that's he's receiving all the compensations the state law in California provides for him. Again, the state workers' compensation system is simply inadequate to handle this sort of problem. Mr. Vermeulen and I agree on that.

KOPPEL: All right. Mr. Parker, Mr. Vermeulen, thank you both very much indeed. In a moment, a look ahead at tomorrow.

(COMMERCIALS)

KOPPEL: Earlier in this broadcast we quoted Dr. Polakoff as saying that more 1½ million people are expected to die of asbestos related disease. Dr. Polakoff made that statement in 1978. He says those estimates are no longer accurate, that the figure is now expected to be in the tens of thousands.

Looking ahead to tomorrow, President Reagan holds a news conference. ABC News will carry the president live beginning at 2:00 PM, Eastern time. That's our report for tonight. I'm Ted Koppel in Washington. For all of us here at ABC News, good night.

ANNOUNCER: This has been ABC News Nightline, a presentation of ABC News.

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