UC 149-2

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To (Name) Dr. J. J. Welsh
Division Medical Dept., 4th Floor
Location New York, New York 10017

Date March 22, 1976

Originating Dept.

Answering letter date

Subject

Copy to E. A. Piersall
Grand Junction, Colorado

I have enclosed 2 articles about Johns-Manville law suits for asbestosis which appeared in San Francisco papers recently.

These articles, I'm sure, have influenced the doctors at the clinic in King City as evidenced by the enclosed letter to Jim Stanford. You will remember him as one of the employees whose records you checked during your visit. We have been notified that George Larson will also get one of these letters. In both cases we have been notified that Dr. Fisher thinks the men should be removed from the asbestos atmosphere.

These incidents happened because, following receipt of your letter of March 4th, I had talked to these employees about results of their tests. Stanford informed me that he had a bad cold at the time of his test and Larson said he had been suffering from asthma when tested. I sent them to the clinic for retesting with these results.

We have no work at this location which would remove these men from exposure to asbestos. We need a procedure for cases of this type.

Very truly yours,

UNION CARBIDE CORPORATION
METALS DIVISION

Floyd H. Larrison

F. H. Larrison, Jr.
Manager, King City Operations

/smp

encls:

A17605

- March 13 -

# Lung Disease Suits Accuse Bay Company

*By Jackson Rannells*

The Johns-Manville roofing materials plant at Pittsburg in Contra Costa County is under legal siege for asbestosis ailments suffered by past and present employees, it was learned yesterday.

Eight law suits, each claiming $10 million in damages, are on file in Contra Costa Superior Court.

And more are in the works as relevant material is developed in related workers compensation claims by victims of the debilitating industrial disease.

"It's a legal time bomb," said one attorney who is keeping an eye on the action.

Asbestosis is a severe lung disease caused by deposits of indestructible, microscopic asbestos fibers. The fibers can also cause a lethal form of lung cancer.

An unusual three-sided legal fight at the Johns-Manville plant was disclosed yesterday by Labor Pulse, an independent union-oriented newspaper.

The Chronicle confirmed these facts:

Five lawsuits have been filed against Dr. Kent Wise, a former company doctor, on charges that he deliberately withheld information from the workers that they had asbestosis.

Wise has filed $10 million cross-complaints against the company in each case alleging that the company told him that it had a specialist who would be responsible for reading X-rays of asbestosis or silicosis.

Three other workers have filed suits—also for $10 million—naming the doctor and the company as co-defendants.

"We contend the doctor was negligent and the company submitted the men to deliberate exposure," said attorney Steve Kazan.

"They went for years without telling the guys they had lung problems developing so they could be treated and their exposure stopped" Kazan added bitterly.

Johns-Manville officials refused to discuss the pending lawsuits.

They emphasized repeatedly that the plant currently meets government safety standards—less than five particles of asbestos per cubic centimeter of air.

"The suits concern delayed symptoms from conditions as they existed many years ago, before anyone recognized what asbestosis was," said Neal Amarino, a spokesman at the company's headquarters in Denver.

Marcos Vela, a former employee at the Pittsburg plant, won a $350,000 malpractice award from Dr. Wise two years ago that caused others to consider legal action.

Justin Roberts, one of Vela's attorneys, said yesterday that X-rays taken during required company medical examinations in 1962,

*Back Page Col. 2*

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# LUNG DISEASE



DR. KENT WISE
**Former company physician**

From Page 1

1965 and 1968 showed progressive development of asbestosis, but Vela was never informed of this.

Vela's problem was diagnosed incidentally when he visited a San Francisco specialist on arthritis, Roberts said.

"Dr. Wise said he had no responsibility to inform workers, only to inform the plant," Roberts said.

Glenn Lewis, an attorney who took up Wise's defense since the Vela case, contends that the doctor took over the company medical program from his father, Dr. David Wise, in 1962 with the clear understanding that he had no expertise in diagnosing silicosis or asbestosis.

"He was assured by J-M that they didn't expect him to do that," Lewis said.

Johns-Manville may be exempt from civil complaints by workers because they get workers compensation benefits, Lewis said. His cross-complaints, however, are based on alleged fraud against the doctor.

Maurice (Yank) Marcus, a workers compensation attorney whose former clients are now filing the damage suits, said that every case parallels Vela's.

"They would let them retire without ever telling them they had lung conditions that might qualify them for disability benefits," Marcus said.

State occupational health and safety officials said the plant has been inspected several times in recent years and found to be meeting standards.

Regional director Don Tick said the company has reduced its use of asbestos, but company officials would not comment.

The state is investigating two alleged asbestosis-related deaths at the Johns-Manville mining and milling plant at Lompoc in the central coast area.

Tests made there by an independent firm showed the operation is well within the current standard and would pass a new standard of two particles per cubic centimeter which is scheduled to go into effect July 1.

Class action lawsuits have been filed against Johns-Manville and other asbestos manufacturers in other states, but none have come to trial.

# How Asbestosis Attacks the Lung

Asbestosis is an insidious lung disease that is only one of several types of damage caused by long-term exposure to asbestos fibers in mines or in factories like the Johns-Manville plant at Pittsburg.

The microscopic fibers lodge in the finest air passages of the lungs and when they do tiny knots of fibrous tissue form around each asbestos particle.

Asbestosis itself causes no early symptoms, but over many years as the lung tissue thickens it begins to cast X-ray shadows, and more and more severe shortness of breath may develop. Infection, emphysema and even heart failure often follow.

While several types of industrial dusts — such as silicates, beryllium or coal — can cause similar lung diseases, asbestos fibers alone are responsible for a lethal type of cancer called mesothelioma.

About 75 Bay Area workers who were chronically exposed to asbestos in shipyards during and after World War II have died of mesothelioma. According to Dr. Irma West, occupational health specialist at the State Health Department, more and more older workers will inevitably develop the disease as a result of long-term exposure in past days when plant safety standards were far more lax than they are today.

A17607

## *Victims' Story*

# Bitter Results of Asbestos Exposure

*By Bill Workman*

Harold Browner can still find some humor in the memory of unloading railroad box cars filled with the deadly dust of raw asbestos at Johns Manville's sprawling Pittsburg plant.

"We'd go into one of those cars, colored and white guys together," grinned the 58-year-old black. "But we'd all come out of there the same color — slate gray."

But the last time Browner challenged himself to break a sweat or move at anything more than a deliberately slow pace was back in 1957.

That's when the Contra Costa county health department — where he had taken a routine tuberculosis screening — told him he had asbestosis in his lungs. He lost large sections of both lungs to surgery.

What was particularly discouraging about the asbestosis discovery, he said, was that only a few months before he had been X-rayed by the company physician, Dr. Davis Wise, and pronounced fit.

"I asked that doctor, 'why, why, why did you let this thing go so far without telling me '" said Browner. "But the man swears he didn't know about it."

Browner later received $8000 in worker's compensation benefits and the company continues to pick up some of the tab for his medical expenses.

He feels lucky that despite his crippled lungs he's able to work as a laundry supervisor at the county Juvenile Hall in Martinez ("The kids lug all the laundry bags for me.")

Nevertheless, he's still bitter about his experience. "That company got away with murder. Some one ought to find a way to make them pay the guys who survived this terrible thing."



HAROLD BROWNER
**Parts of his lungs are gone**

One man who did find a way is Marcos Vela, a 58-year-old former shingle machine tender who spent 33 years at the Pittsburg plant.

Vela successfully sued Dr. Wise in 1968 for malpractice. He claimed that the doctor had read his X-rays, knew of his worsening condition, but went ahead and declared him fit. A court awarded Vela $350,000.

Vela has invested what was left of the award after lawyer's fees and says "I don't have to worry about where my next meal will come from."

"If I take too deep a breath it kicks up a coughing that can send me to the hospital for three to four weeks at a time," he said.

The asbestosis, coupled with arthritis that Vela claims one doctor links to his lung problems, has left him able to do little more than shuffle around his modest Antioch bungalow and go for a drive with his children.



MARCUS VELA
**He sued successfully**

A17608

# Asbestos dust — an insidious, crippling killer

By James A. Finefrock

Bill Harris lives almost literally in the shadow of his former employer, the Johns-Manville roofing materials plant in Pittsburg.

The view down the dead-end street that runs in front of Harris' rickety bungalow is filled with Johns-Manville smokestacks and a J-M monogrammed water tower.

It is not a comforting sight these days for Harris, 64, who used to walk the few hundred yards between his house and the plant daily until he retired four years ago.

Harris has asbestosis, a potentially deadly lung ailment similar to black lung disease. It's caused by prolonged exposure to asbestos dust.

Harris believes the lung problems that force him to sleep upright in a chair many nights were caused by a succession of jobs — from janitor to machine operator — during his 26 years at the J-M factory.

In the days before new safety programs, Harris recalls, "you could barely see the overhead lights because of the asbestos dust."

But neither company officials nor the company doctor told him or his co-workers, Harris says, that the asbestos dust they inhaled daily could kill them.

Harris has filed suit against Dr. Kent Wise, former plant doctor, for malpractice. He says Dr. Wise was aware of his worsening disease and didn't tell him about it.

Eight of Harris' former J-M co-workers or their families have filed similar suits. Wise has filed countersuits against the company, charging that he was fraudulently misled.

The amount involved in the litigation tops $125 million.

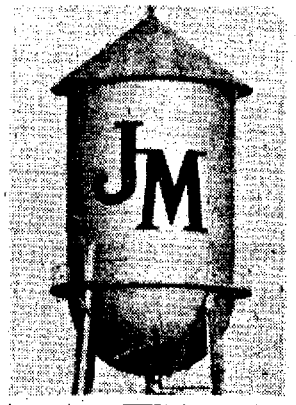
Some of the workers' suits also name Johns-Manville as a defendant, and all are aimed ultimately at proving negligence and fraud on the part of the company.

(Company officials refuse comment on the lawsuits. Jack Moore, a lawyer retained by J-M, says only that the company is complying with all state and federal safety regulations.)

Asbestos doesn't burn, decay or corrode; it's virtually indestructible. Those qualities, combined with the fact that it's the only mineral that can be spun into cloth, make it useful for 3,000 products ranging from brake linings to potholders.

But for workers or others exposed to asbestos, those same qualities make it deadly. Once in the lungs, it doesn't leave. Fibers scar lung tissue, building up nodes that eventually can clog sections of the lungs.

Asbestosis and related diseases caused by asbestos carry a lag time of 10 to 30 years or more between exposure and incidence.




***Mineral's valuable qualities make it deadly***



Bill Harris: He sleeps sitting up

That means asbestos workers can literally work themselves into the grave. For the rest of us, the hazard is not as dramatic, but it exists.

For example, a Mt. Sinai Medical School study of office buildings with asbestos fireproofing in five cities, including San Francisco and Berkeley, concluded that some asbestos concentrations inside were "as high as in areas near asbestos plants where there has been illness or death."

Since the Johns-Manville suits were unearthed 10 days ago by Labor Pulse, an independent labor newspaper, other matters concerned with asbestos safety have surfaced.

In San Francisco 10 construction workers have filed million-dollar lawsuits against Johns-Manville and a host of other asbestos supply companies.

The workers, most of whom installed asbestos insulation on pipes and boilers, claim the manufacturers knew the disease-causing properties of asbestos, yet failed until recently to give adequate warnings on their products.

One of them, Sherman Stewart, 62, of Vallejo, says his life has been turned completely upside down since Feburary, 1975, when he became aware that he was sick.

"I was in good health. I was going strong," Stewart says. He worked as a pipe fitter and insulator on construction jobs around the Bay Area. In his spare time, he fished, gardened and traveled.

Today he spends his life inside, sleeping, reading or watching TV. His wife, he says, "has a full-time job taking care of me."

Because of his illness, Stewart took early retirement in May 1975. In September his condition was diagnosed as mesothelioma, cancer of the stomach lining.

In the last nine months Stewart has had four extended hospital stays; he must travel every 10 days to a San Francisco doctor's office for chemotherapy treatment.

Stewart's case is not exceptional among asbestos workers.

Dick Kennett, an attorney representing five Johns-Manville workers or their survivors, said: "Most of them were real robust, active guys. Now they can't do much of anything."

In Calaveras County debris from an old asbestos mine near the Stanislaus River may constitute a health hazard.

The local water quality board has tried to reduce the hazard, it says, but was stymied for about two years when the mine closed down.

Now the water board has worked out an agreement with the new mine owners, Calaveras Asbestos Ltd., who have resumed operating the mine, to stabilize tailings so they won't fall into the river.

The tailings are in a "huge pile, very much like a mountain," says water board official Jim Robertson.

"Small quantities (of asbestos) just do plain wash into the river," Robertson adds.

"An inconclusive" study commissioned by the Environmental Protection Agency in 1975 found high concentrations of asbestos in water near the base of the tailings mountain, but not actually in the river. One measurement showed 40 million particles per liter; another 14 million particles.

The portion of the Stanislaus below the mine is used for boating and swimming and for drinking water.

An EPA study found one million particles of asbestos per liter in the tap water of its San Francisco offices. And a liter of beer, filtered through asbestos in processing, contains as much as two million particles.

The possibility of a public health hazard in the Pittsburg area, near Johns-Manville and other heavy industry, has been raised by a survey made by the Los Medanos Community Hospital a year ago.

Of 164 people screened in a respiratory disease control program, about half showed some signs of lung disease. Because the survey didn't include a control group, the hospital now says it isn't conclusive.

Studies show that asbestos-related diseases kill 40 per cent of asbestos workers. The incidence of lung disease among members of their families is also higher than in the general population.

Federal and state safety regulations now require companies to install machinery to reduce airborne asbestos levels and require employes to wear respirator masks where asbestos concentrations are especially high.

Enforcement is in the hands of the state department of industrial safety. In 1974 inspectors cited Johns-Manville for allowing asbestos concentrations as much as 15 times over the legal limit inside the factory and failing to make some employes wear respirator masks.

The company was fined a total of $415 for those and other violations.

Consciousness of the problem is an important factor in its prevention, former asbestos workers who have filed suit agree.

Sherman Stewart, the Vallejo pipe insulator who contracted mesothelioma, had this to say.

"Until six years ago I didn't know that asbestos could harm me. I didn't know I needed protection. If I knew then what I know now, I wouldn't have started in

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For the zooming stock market has brought predictions that there will be a boom in new issues this year. The stage is being set for companies to sell the public shares in their venture as a way of raising money to expand or pay off bank debts or other loans. There are no fees to the investor in new issues.

Skyrocketing stock prices offer founders of young companies a chance to pull out part of their bonanza at current attractive prices. It's been a few years since they've had this golden opportunity. In some cases, company officials *have been stuck with stock* acquired in the heyday of the merger mania of the 1960s and it has taken this long for prices to come back.

Salomon Brothers, a leading Wall Street securities firm, figures corporations will raise a record amount of money by selling securities this year.

It forecasts $15 billion compared with $11.1 billion last year. When the market took its grand plunge in late 1974, the total of all stock offerings that year amounted to a mere $6.3 billion.

The experts predict increased



**WILLIE R. BARNES**
Sounds a warning

emphasis on stocks rather than bonds. In 1974, about 17 per cent of all the securities sold were stocks. Last year, the total climbed to 25 per cent. This year it's expected to be 34 per cent.

Bankers' complaints about the shortage of quality commercial loans indicate the business trend away from taking on new debts — even with the price of borrowing down sharply. After all, the cost of a bank loan is an expense that eats into the financial figures on the profit report.

But funds raised through new stock give management money without worries about paying interest and repaying the loan. Existing should gain as the business expands, jobs are added and sales and profits grow. At least this is the free enterpriser's pitch.

Bankers in San Francisco report corporate lending demand is so lean some small banks in the East are offering cut price loans to *Bay Area firms. These* "carpet baggers" actually are putting money out at the 6¾ per cent prime — a rarity in the banking business which uses the prime as a mere starting point in the charge for big loans.

These small out-of-state bankers, who hesitate to play this way on short-term loans in their own stomping grounds, also pass up the compensating balance. This is a device that hikes the real cost of a business loan because the banker holds back part of the money on which he collects interest.

*Small investors' growing interest* in stocks is bringing back an evil: High pressure "boiler room" tactics among promoters pushing ventures such as oil and gas leases.

California's corporation commissioner, Willie R. Barnes, pointed this out Friday in filing complaints against 33 firms which he said offered or sold shares in oil or gas

Barnes said his department is investigating 24 more oil and gas firms he fears may be using fraudulent sales methods. "This is not a problem limited to California," he declared.

Predictions of a big jump in the number of new stock issues put the spotlight on the Twentieth Century Fund's latest conflict of interest study of the securities industry.

"The investment banker's position is permeated with conflict," the study charges. "On the one hand, he has to make a profit and act in the best interests of corporate issuers. On the other hand, he has a responsibility to act in the interest of the (stock) purchasers."

The study asserts: "How does he, or indeed can he, resolve this conflict, born as it is of this dilemma?"

The study also points out the "temptation to puff securities is enormous" in new issues "because the investment banker receives three or four times the normal commission."

Copies of the study are available free. Write: Twentieth Century Fund, *41 East 70th St., New York*, NY 10021.

commitments to Nevada casinos, is the gaming industry's No. 1 financial backer but its days may be numbered.

Federal pension law reform investigations into the unions' biggest pension fund, and even hassles between casinos and their employes are prompting second thoughts by both the Teamsters and club operators.

There have been no known commitments of new Teamster money in more than a year for casinos in the state. That shows 'a more cautious approach' by the Teamsters Pension Fund, says state Gaming Commission chairman Pete Echeverria.

Congress in 1975 passed legislation authorizing the Labor Department to determine suitability of loans made by pension funds, to insure workers who pay into such funds get their money's worth.

The Labor and Justice depart- *florida, also began an inquiry into* the $1.2 billion Teamsters Pension Fund.

Included in the probe are loans to Nevada casino operators. Big borrowers include Allen R. Glick with about $150 million and Morris Shenker with more than $63 million in pension fund loans and commitments.

Shenker, a lawyer who plans on using about $50 million of the borrowed money in his Dunes hotel-casino in Las Vegas, agrees with Echeverria that pension fund policy appears to be changing.

Shenker said that depending on how the new pension fund *reform law is interpreted, "it could* mean that you won't be able to get a pension fund loan for casino construction in Nevada."

The possible loss of that loan resource is prompting club operators to look elsewhere for longterm loans, Shenker said.

# Opinion *Brown on economics*

By Louis Rukeyser

Now that Gov. Edmund G. Brown Jr. has become a favorite-son candidate for the Democratic presidential nomination, let's take a closer look at how he might operate on the national economic scene.

Fortunately, the 37-year-old governor has just given us some insights into his broader views in a lengthy magazine interview.

Much of the national attention so far centered on Brown has dwelt on the contrast between his election as the son of a liberal former governor and his subsequent performance as a prime articulator of the limitations of government.

In expressing doubts about the abilities of our hired hands to solve all our problems, Brown undeniably has hit the right note to the present mood of the country. And his no-nonsense lifestyle makes a refreshing contrast to the monarchial *pretensions of so many recent* leaders.

But when we move from style to substance, we are left with doubts. The most striking aspect of the interview, indeed, was that Brown seemed to be all over the lot on many national issues — except for his careful refusal to say anything unkind about any of the Democratic Party hopefuls who might conceivably be looking for a running mate.

Even an old-style, big-government man like Hubert Humphrey ("I like Humphrey. I admire him.") gets praised because, Brown tells us, "he's concerned about taking care of people who can't take care of themselves and Democratic Party programs have worked."

This would seem unremarkable election-year stuff if it were not that Brown informs us, elsewhere in the interview, that "a lot of the social programs aren't working the way we thought they would."

It often seems as if Brown were a piano player whose left hand is dutifully sounding the chords of routine partisan doctrine, while his right hand is exploring imaginative variations from some other melody entirely.

And where does he really stand, for example, on relations with the oil-producing nations?

He says at one point that he opposes "basing a political philosophy on the assumption of unlimited resources and the ability to draw on the resources of Third and Fourth World countries at a ridiculously low price."


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