

200 CHAMBER OF COMMERCE BLDG.
238 MAIN STREET

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INTER-ALLIED FOUNDRIES
OF NEW YORK STATE

BUFFALO, N. Y. 14202

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SILICOSIS BULLETIN #2

September 30, 1965

Solomon E. Senior, Chairman of the Workmen's Compensation Board, met once again with representatives of industry at the annual meeting of Associated Industries of New York State, Inc. at Whiteface Inn last Friday. His audience included members of Associated Industries Workmen's Compensation Committee and interested guests. His talk on the current silicosis study was largely a repeat of his Buffalo performance. One important bit of administrative thinking was revealed when, in response to questions, he stated that he felt that the legislative mandate required him to study and to recommend, in his report to the 1966 Legislature, methods of providing for "partial disability" benefits from silicosis and other dust diseases and that it did not permit him to study and to report that it was not feasible to provide such benefits.

Certainly this clouds both the value of and the need for the current study. It is a foregone conclusion that partial disabilities will be found to exist from a medical viewpoint since exposure to dust creates definable permanent lung changes. However, if it is not to be related to the employees' ability to work before, during and after such changes, the most important part of the story is being ignored. What is equally disturbing is his response to another question whereby he acknowledged the possibility that this recommendation or legislation could take the form of merely deleting the word "total" from the phrase in the present law which limits compensation to "total disability from silicosis and other dust diseases." This would be the worst possible result since it leaves unanswered many practical questions and would require a great deal of administrative temperization and supplementation. We have been opposing similar labor sponsored legislation "on the merits" for the past 25 years.

Other developments indicate the crash nature of the study and the imbalance that is being built into it. Apparently the study is being concentrated in a few areas and on a few employers in order to meet deadlines and to facilitate the study.

When legislation is recommended it is going to be extremely difficult to defeat. Obvious attacks can be made on the method, scope and findings of the study. We are going to have to concern ourselves with the social-economic aspects of the problem and we must develop the cost aspect fully. It is not enough to know that the cost to industry will be so many millions of dollars. We should know what the insurance companies are going to propose and what the Insurance Department and the New York State Rating Board will do that will affect our individual rates. Certainly the so called "dust" industries are going to have to present a united front.

I am enclosing a statement made by the Executive Committee of Inter-Allied Foundries of New York State to emphasize the position of our Association in this matter.

ARCH 18598

Very truly yours,

Richard H. Beyer
Richard H. Beyer,
Executive Secretary

PLAINTIFF'S
EXHIBIT
AL-1544

RHB/az
Enc.

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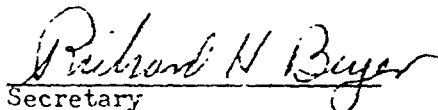
Statement of Policy of Inter-Allied Foundries of New York State respecting proposed legislation to compensate "partial disability" due to silicosis and other dust diseases.

We are opposed to legislation which would establish compensation benefits for less than total disability from silicosis and other dust diseases for the following reasons:

- 1) That prior investigations and long experience indicate that evidence of some degree of silicosis does not impair working ability until so serious or complicated by other ailments that total disability exists.
- 2) That prior investigations have established that it is not feasible to differentiate at any degree of disability less than total disability.
- 3) That curtailment of employment opportunities will hinder rather than help both industry and employees.
- 4) That probable cost of "partial disability" legislation will be a major handicap to so called "dust industries".

While we shall cooperate with the current study being conducted by the Workmen's Compensation Board, we reserve in full our right to object to the scope or method of the study or to the findings based thereon.

Adopted by unanimous vote September 22, 1965.
Official.


Secretary

ARCH 18599