

Firestone, Budd to appeal record judgment

Multipiece rim suit ends in \$4.29 million award

By Miles Moore
RPN Washington Bureau

KANSAS CITY, Mo.—A federal jury has ordered Firestone and Budd Co. to pay \$4.29 million to a Missouri couple for injuries the husband received in a multipiece truck tire rim explosion.

Both companies said they will appeal the award, the largest ever ordered in a multipiece rim case. Kelsey Hayes Co., a third rim manufacturer, was cleared of any liability by the jury.

The jury in the U.S. District Court ordered Firestone and Budd to split pay-

ment of \$350,000 in compensatory damages to Larry Hale, owner of a small trucking firm in Sheldon, Mo. The firm also have to pay \$40,000 to Hale's wife, Linda, for loss of consortium.

In addition, the jury ordered Firestone to pay \$2.8 million and Budd \$700,000 in punitive damages to Hale. The jury also told Firestone to pay \$320,000 and Budd \$80,000 in punitive damages to Linda Hale.

Hale was injured Oct. 4, 1977, while he was using an air hose to inflate a tire on a two-ton truck. The multipiece wheel rim, a Firestone RHS* model, separated explo-

sively, striking Hale in the face.

Hale's top teeth were knocked out, his facial bones fractured, his tear ducts damaged and his hand broken, according to court testimony. His nose was severed, but doctors were able to reattach it.

John C. Risjord, Hale's attorney, said Hale will need at least three more operations to correct problems with facial scars, nasal passages and sinus cavities and to remove a Teflon plate in his eye socket.

"The jury really wound up and kicked them pretty hard with the punitive damages," said Risjord, who added that he had presented documentation in court that Firestone had acted to squelch investigations of RHS* rims. "They (the jury) were pretty incensed at the end."

Firestone and Budd spokesmen said their companies are considering options concerning appeal.

Before the Hale decision, the largest

award ever made in a multipiece rim case was the \$1.8 million Goodyear was ordered to pay to Dennis Kuiper, a Montana man whose skull was fractured by an exploding rim.

The Hale case was one of 25 consolidated civil suits seeking more than \$175 million in damages against multipiece rim manufacturers. Documents filed in those cases claim that more than 400 instances of explosive separations have caused at least 71 deaths and hundreds of injuries.

The next case in this group scheduled for trial, to begin in October, is a suit brought by two Georgia men, Lloyd James and Arthur Ramey, against Firestone, General Motors Corp. and Kelsey-Hayes.

The suit claims James was permanently crippled and Ramey lost an eye when a multipiece rim exploded.

URW shares federal grant for cancer awareness study

AKRON—The United Rubber Workers and the University of North Carolina have received a \$750,000 grant from the National Cancer Institute to help educate rubber workers on the risk of getting cancer in the workplace.

The URW and the university will use the grant to study ways to improve health education programs in 28 rubber industry plants. The study will begin in September, when researchers will interview a sampling of 28,000 employees in a range of positions in the industry about their health, the URW said.

The grant, spread over the next three years, was awarded on the eve of the URW's three-day conference on cancer, Aug. 15-17, which featured talks by doctors, scientists and representatives from labor, rubber companies and government agencies. The conference speakers discussed the relatively high incidence of some cancers among rubber workers, as

well as how an individual can cope with cancer and what might be done to prevent it.

Studies in the 1970s indicated that rubber workers risk getting certain types of cancer at a rate two to six times that of the average worker.

URW Director of Industrial Hygiene Louis Belczyk said the union hopes to change the attitudes of both the workers and management concerning potential risks of cancer.

The grant program calls for efforts to encourage workers at half the plants to wear protective clothing, stop smoking and stay physically fit, and they will receive pamphlets concerning health. At the other plants, employees will design health programs to generate worker interest and awareness.

The URW also will urge management to reduce the danger by improving ventilation systems.

Nitrosamines controversy flares

Continued from page 1

sion also confirmed it is looking into the effect of nitrosamines in pacifiers and nipples. A spokesman declined to discuss the investigation.

Only two of the companies involved at the outset, West Co. Inc. and Faultless Rubber Co., are members of the RMA. Since then, Helvoet Pharma Pennsauken Inc., a firm that plans to begin production of baby bottle nipples later this year, joined RMA in June. (The other three firms involved are Evenflo Products Co., Plasticoid Co. and the Elastomer Products Department of J.P. Stevens & Co., which manufactures nipples for International Playtex Inc.)

The proposal on which the RMA and the manufacturers now are working would set a nitrosamine "action level"—that is, a nitrosamine content limit a nipple manufacturer would have to meet or have his products removed from the market.

All nipple manufacturers would undergo compliance testing at regular intervals, and the RMA would tabulate the results for the FDA to review at its discretion.

Lowering nitrosamine levels in baby bottle nipples has been problematic for the manufacturers because of the need to maintain product quality, said Frank T. Ryan, RMA government relations vice president. "You don't just change your formulation overnight," he said. "You have to maintain the qualities consumers look for—bite, durability, shelf-life."

There are other problems as well, Ryan said. One has been with the FDA test protocols to determine nitrosamine levels, which yield highly varying results even with the same lot of test nipples.

Another issue concerns a German test method for nitrosamines, which reputedly

allows the West German government to maintain a nitrosamine limit of 10 parts per billion.

"What most people don't realize is that the Germans use an aqueous-solution method to test for nitrosamines, while Americans use a solvent-extraction method that is much more sensitive," he said. "A 10-ppb reading in Germany is equivalent to a 100-ppb reading in the U.S."

(At an industry-FDA meeting June 16, Ryan proposed an action level of 60 ppb for consumer nipples and 150 ppb for single-use hospital nipples.)

Despite the problems, nitrosamine levels in U.S. nipples have fallen steadily and substantially, Ryan said. The anti-nitrosamine program is "an example of great cooperation between the manufacturers and the FDA," he added.

THE RMA statement closely followed the letters sent by Ruth G. Desmond, president of the Federation of Homemakers, to HHS Secretary Heckler and several members of Congress.

Desmond urged Heckler to "elevate this matter beyond the 'all deliberate speed' category of attention."

"If removal of nitrosamines simply means that we have to go back to those short-life rubber nipples, doesn't prudence suggest this slightly inconvenient but more vigorous step be taken by government...?" said Desmond.

Desmond complained to members of Congress that the RMA-FDA program "substitutes 'dialogue' for effective protection of suckling infants."

She said the incidence in children of liver cancer—a disease with which nitrosamines are associated—is higher than that of leukemia and muscular dystrophy combined.

American, Russian running for buffer stock manager

KUALA LUMPUR, Malaysia—An American and a Soviet are the only candidates for manager of the International Natural Rubber Organization's buffer stock, while another American has withdrawn his nomination.

The candidates are Harvey Adams, purchasing agent for synthetic rubber at Firestone, and Arkady Mitrefanov, a rubber buyer with the Soviet Union import/export trading company.

Robert Sanders, the U.S. representative to INRO since May 1982 and formerly of ACLI International, withdrew from the competition to replace John Riedl, who resigned earlier this year but stayed on while INRO selects his successor. Sanders was the only person nominated by the original Feb. 22 deadline, and INRO later

tabled the voting issue.

INRO is scheduled to vote on the new manager—who controls purchases of natural rubber for a buffer stock, which is designed to take NR off the market to support prices when needed—at its Sept. 13-14 meeting in Kuala Lumpur.

Adams has served in Firestone's Synthetic Rubber Division since 1981. He began his career at Firestone in 1955, and held various positions until he was named manager for natural rubber purchasing in 1972.

He moved to Internatio Inc., an international trading firm, as manager of the natural rubber department for two years. He joined ACLI in 1979 as a vice president, where he worked until returning to Firestone.

Tessmer to head IISRP

HOUSTON—A retired executive from Exxon Chemical Americas will succeed Milton J. Rhoad as managing director of the International Institute of Synthetic Rubber Producers.

The appointment of William E. Tessmer as managing director-designate was made during a recent meeting of the IISRP executive board at the group's headquarters in Houston.

Tessmer will join the Institute on Nov. 1 and will assume full duties on Dec. 31 when Rhoad retires, the IISRP said.

A graduate of the University of Minnesota with a degree in industrial management, Tessmer retired recently from Exxon Chemical after a 26-year career. He began with Exxon in 1957 as a sales

trainee in Linden, N.J., and later worked in technical sales capacities in the U.S. and London. From 1963 to 1971, he was assigned to the firm's Brussels, Belgium, office where he eventually became marketing manager for agricultural chemicals.

He later served as Benelux marketing manager in The Hague, Netherlands. At the time of his retirement, he was corporate accounts executive.

Rhoad, who succeeded Ralph Lamberon as IISRP managing director in 1978, had agreed to stay in the job until the end of the year even though his contract expired in June. He is a retired Goodyear executive, having spent 35 years with the tire maker.

Reichhold buys Uniroyal's TPR line

Continued from page 1

product. We feel we're well positioned for it."

TPR is a very cost-effective material that can be fabricated more easily and at a lower cost than thermoset rubbers, he said.

Several similar products, such as Monsanto Co.'s Santoprene®, compete with TPR. DiCresce said the total demand of all these products is about 30 million to 40 million pounds per year.

Reichhold is better suited to produce TPR than Uniroyal because of its focus on specialty compounding, DiCresce said. Reichhold's equipment can do a wider range of processes, such as more extensive mixing, than the rubber developer, and "we can realize the potential better," he said.

Because of these broader capabilities, Reichhold also sees new markets for the product, although these areas haven't been identified yet. Currently TPR is used in the auto industry for fascias, rub strips and sound-deadening devices; in the wire and cable field for cord sets and battery booster cables; and for a variety of mechanical goods from wheels to handles to grips.

Reichhold already makes a wide range of specialty products for these markets; the acquisition should enhance the company's capabilities in those areas, the firm said.

DiCresce said if Reichhold's TPR production increases it will benefit Uniroyal, as EPDM is one of the key ingredients in the material and is an important product area for Uniroyal.